THE AMERICAN SCHOLAR

Vol. 9 Spring · 1940 No. 2

Editorial	*Irwin Edman*
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THE AMERICAN SCHOLAR

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SPRING · 1940 VOLUME 9 · No. 2

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Editorial

IRWIN EDMAN

A new member of any editorial board naturally comes bubbling with fresh enthusiasm and a delighted sense that he has a point of view uncorroded by routine, that he sees everything with the innocence of a baby and with the detachment of a man from Mars. He feels like Adam surveying a new earth.

I recognize the freshman innocence and naivete of a neophyte editor but I shall put down my impressions for what they may be worth. THE AMERICAN SCHOLAR seems to me to have a singular opportunity in the field of American intellectual journalism. It has a fair-sized audience (which could easily be much larger), and one of an unusually choice character. Through the literary and academic connections of its editors it can have access to a rarely distinguished group of contributors, men alive to the present and alive also to the humanistic traditions of the past. It can therefore, I think, afford to do something that especially needs to be done at the present time where even the intellectual weeklies and monthlies grow increasingly topical and try as far as possible breathlessly to catch up with yesterday's newspaper.

The old-fashioned monthly with its leisurely, meditative essays, its insistence on literary distinction, its obstinate cultivated persistence in dealing with essential rather than surface issues has practically disappeared. It seems to me now more than ever, when the urgencies of the moment make historical restlessness a mode and a neurotic desire to be up-to-date is an obsession, that it would be peculiarly therapeutic to have in this country a publication that thinks and speaks in

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terms of longer distances and wider views and has a care for the language of its utterance. It seems to me it is this niche that THE AMERICAN SCHOLAR can peculiarly well fill and that it has already shown signs of filling well.

I should like to give a few suggestions as to the realms in which THE AMERICAN SCHOLAR can function with peculiar felicity. There are very few publications in this country where there is a place for the kind of literary and intellectual criticism that was the best part of the 19th-century literary tradition. The weekly reviews, even when they are well done, are largely reviews and not fundamental critical appraisals. The technical professional journals substitute what amounts practically to entomology and archeology for literary and philosophical analysis. No newspaper would find room for Matthew Arnold or Sainte Beuve today. The technical professional journals would have no use for them either. It might seem perfectly satisfactory to reply that there is no evidence of a Sainte Beuve or a Matthew Arnold living among us. But one of the reasons we are not developing fundamental considerations of literature as an art and philosophy as a human interest is that there is no encouragement to treat them in such wise. And impulses notoriously die where they find no opportunity.

Secondly, I think we have a special opportunity in the field of poetry too. The "Little magazines that died to make verse free" are nearly all committed to cults of intellectualism, or unintelligibility, or romantic or proletarian revolt, or some other special spiritual or moral propaganda. The general magazines notoriously use poetry (where they use it at all) to piece out a prose article that does not quite fill out the page. THE AMERICAN SCHOLAR has a chance to bring to its readers poetry as a living and central art. Finally I should like to see THE AMERICAN SCHOLAR discover if possible, and encourage, the revival of certain literary forms which hardly find opportunity for publication at all—especially the philosophical dialogue, now almost obsolescent, yet in good hands one of the most beautiful and communicative forms of imaginative art. Santayana's *Dialogues in Limbo* are a good illustration of what I mean.

I do not mean by all this that THE AMERICAN SCHOLAR should not use certain good things of a kind printed often enough elsewhere. But there are certain things it can publish and should publish because it can, with both courtesy and plausibility, trust the experience and the cultivation of its audience.

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"It is, most of all, the non-economic man who makes war. We shall be mistaken if we do not recognize the supremacy of politics over economics."

The Trade Agreements Act

ARTHUR FEILER

THERE is a story about an Elder Statesman advising a newly-elected member of Congress on how to make a success of himself on Capitol Hill. His whole wisdom was concentrated in the simple sentence: "Study the customs tariff law, young man; that is the essence of politics."

The little anecdote tells a lot. It reveals the immense power of the special group interests and their predominance over the interests of the whole. It reveals the corresponding attitude of the great majority of Senators and Representatives, who consider themselves the advocates of their particular constituencies, of their particular sections or states rather than of the entire nation. It reveals the vast difficulty of conceiving a policy destined not only to achieve, every now and then, some balance of power among the manifold and divergent special interests; but of realizing the long-run needs of these United States as a unity, of thinking in terms of its continually-changing social structure as well as its equally-continually-changing position in the world. It reveals the horrible handicap laid on real, farsighted American statesmanship. And it reveals, among other things, the decisive cause of the recent opposition to the trade agreements policy of Secretary of State Cordell Hull who, fortunately, has a dissenting notion of the essence of politics.

To understand the Reciprocal Trade Agreements Act of 1934 one must go back to the situation in 1930, when the Hawley-Smoot Tariff was introduced. Previous to that, the Fordney-McCumber Act of 1922 had already raised the import duties on many industrial commodities. But the Act of 1930 surpassed all its predecessors and increased by leaps and bounds the duties on manufactured goods and agricultural products alike, thus raising the tariff walls to a height unthought of before.

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That they were high has, astoundingly enough, recently been disputed. Mr. George N. Peek, for instance, whose book was widely publicized by a powerful industrial group, maintains that in 1932 all American imports paid an average duty of 17.9 per cent as against 17.4 per cent in Great Britain; that 66.3 per cent of all American imports came in free of duty; and that the United States was really the free trade country of the world. Really? Even omitting the fact that the English Tariff is still to a large extent a tariff for revenues, we had, according to James Gerald Smith, an average ad valorem equivalent rate of duty of 40.1 per cent in 1929 and of 53.2 per cent in 1931. But the riddle is very easily solved. We should only need to raise those duties still further—to a point where they would totally prohibit any import of all protected commodities (the ideal of the "embargo tariff")—to have Mr. Peek come to an even more impressive free-trade conclusion. The average rate of duty would be zero, simply because there would be no imports whatsoever aside from some absolutely necessary, non-competitive and consequently non-protected raw materials!

Actually, the true character of the Hawley-Smoot Tariff was very well understood in 1930. It furnished one of the rare occasions when American learned opinion attempted to gain public, political influence. One thousand and twenty-eight economists signed a protest. They saw the immense change in the structure of production in this country following the World War, a change that has become ever more accentuated during these two decades. While in the pre-War period the predominant share of our exports consisted of agricultural surpluses, now a steadily-increasing number of manufacturing industries are also eagerly searching for foreign markets in which they can sell their products. In the first six months of 1937, for instance, the export of industrial, semi-manufactured and finished goods amounted to $1,093,000,000, accounting for 73 per cent of the total exports of the country, as against a percentage of around 60 per cent in 1926-30 and about 46 per cent in 1910-14. And the national financial structure had also changed.

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America had been transformed from a debtor into a creditor country. And both these developments have led to the same conclusion—a conclusion repeated a thousand times since 1930 and now gradually being accepted because it is incontestable. Briefly: if a country wants to sell, it must also buy; there is no one-way road in foreign trade. And if a country wants to collect its loans to foreign countries, again it must buy; it cannot reject the cake and have it too. Foreign payments must be made in kind—and the method of payment, foreign imports, must be accepted. Aside from buying foreign goods (and from such invisible imports as tourist expenditures and services) there remains for the creditor only one other legitimate possibility—namely, fresh lending abroad to postpone the payment. This course has not been liked either. But one of the two is essential if the other nations of the world are not to be drained of their gold, with all the dangers necessarily involved and with the ultimate prospect of a breakdown of the payments, or of the monetary standards, or of the economic, and possibly even the political in one country or another. Certainly the totalitarian crisis of the world had a great many other, and largely more fundamental, causes than American tariff policy only. But as early as 1930 those 1028 protesting economists understood that the Hawley-Smoot Tariff ran contrary to the real needs of American economy, was a "suicidal fallacy."

Moreover, the protest was not confined to the professors. In the then dominating Republican Party itself there was a rebellion. Senator Borah asserted the party had broken faith with agriculture. Senator La Follette maintained that the tariff eclipsed the tariff of abomination of 1828 and dwarfed the injustice and iniquity of the Payne-Aldrich Act of 1909, which wrecked the party in 1912. "We have gone protection-crazy" declared Senator Norris. Eleven Republican insurgents in the Senate voted against the bill.

After a Democratic victory following the passage of a similar tariff President Wilson reversed the high-protectionist pol-

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icy of his predecessor. The Underwood Tariff of 1912 introduced considerable autonomous reductions and it was only by reason of the World War that the results of that reduction never came out into the open. The Roosevelt Administration did not choose the same course. It did not lower the tariff walls by immediate, unilateral legislation. Its action was much more cautious and even hesitating. Its method was the indirect one, the method of bilateral, reciprocal agreements reached through bargaining with other countries.

For this is the idea underlying the Hull trade agreements: the United States is ready to make tariff concessions, restricted by the law to a maximum of 50 per cent of every individual duty, if and when another country is willing to do the same and to the same extent; through the application of the most-favored-nation clause these reductions then become valid in relation to other countries also—provided, again, they grant the same most-favored-nation treatment to this country. This method allowed for a careful selection of the tariff items on which reductions are considered acceptable without, in the words of Secretary Hull, "materially impairing, even temporarily, the interest of any established and reasonably efficient domestic industry"; while other items which are liable to such a danger can be excluded from the negotiations and remain unchanged. It is a slow procedure for achieving a general tariff reduction. At the same time, it offers the great advantage of strongly inducing other countries to follow this American pattern and to lower their own import barriers if they want this country to do the same. It is a *do ut des* method. The negotiators try hard not to grant more than they receive, that the agreement reached may not be open to the charge of being a one-sided "gift" to foreigners. Again, it is a slow process; it took a long time to work at all. And it has left this country surrounded by a tariff wall higher than at any time before 1930. But despite all this its protagonists have from the beginning been attacked as crusaders for the restoration of "free trade," the revival of "laissez faire"—which seems to be synonymous with being in-

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volved in an entirely "un-American activity." Mr. Raymond Moley never tires of calling them "the internationalists." This apparently is the strongest invective he could possibly find. All this is going on only 25 years after the Underwood Tariff.

Truly the world has changed immensely since the World War, and the effects have been revolutionary. In the economic sphere the War created huge disproportionalities in production and distribution. They have not yet been rectified, and have been among the causes of the horrible depth of the recent depression. But in the spiritual sphere the impact of the World War was even greater. Nationalism became a fanatic religious creed, for many the only creed they really know.

This is the political basis for the newly-developed economic nationalism. For economic nationalism is, first of all, nationalism, practiced for the purpose of nationalism, and employing economics as a means to its political aims. The striving for autarchy is the most conspicuous manifestation of that nationalism on the part of the lately rediscovered non-economic, anti-economic man. If every form of production within a nation's boundaries is considered a means to strengthen the power of the state, a *potentiel de guerre*, then indeed the costs of production no longer matter at all, and neither does the resulting diminution in the people's standard of living.

The economic crisis furthermore intensified the economic nationalism. Every state tried to bring about recovery within its own national economy, without taking thought for the harm thus done to other national economies. That all nations were confronted with the same international catastrophe was completely ignored. The international organizations for international cooperation, weak anyway, were obviously unable to accomplish anything in such an atmosphere. To all this should be added another development, comparable to the refined technique of armament—the immensely refined technique for national economic intervention. Currency manipulations and regulations, import and export quotas, licenses and subsidies, barter

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trade and clearing agreements, the double price systems that separate the domestic and the international price on an increasing number of commodities—these are a few types of the refined techniques devised for intervention in the international field. And all of these operate, of course, in addition to the new or higher tariffs introduced, the empire preferences established or the trade blocks formed of neighboring groups of countries. The result was the decay of world cooperation, the disintegration of the world, spiritually and economically. Political fear throughout Europe, accompanied whenever possible by a flight of capital, deepened that chaos.

Such was the international climate in which the trade agreements policy was supposed to work. Some aspects of the economic policy of this country, moreover, had contributed to the intensifying and prolonging of that international disorder. That had been true not only of the Hawley-Smoot Tariff, which had been one of the strong inducements to retaliatory increases in foreign tariffs or a readily-accepted excuse for such increases. It was to some extent also true after 1932. For the New Deal as a whole operates with inner contradictions and inconsistencies, through trial and error. Its foreign policy is no exception to that rule. Export subsidies for American wheat and cotton may be regarded as a minor instance of those of our economic measures that have helped enhance international disorder. The devaluation of the dollar was doubtless a major one, for its impact on world economics was enormous. It not only led to a complete failure of the World Economic Conference in London in 1933. Intentionally or unintentionally, it worked (at least for some time) as an export subsidy and an additional impediment to import, and consequently as a new disruption of the international price system. It protracted the era of an international race for currency depreciations, started in England in 1931 and not terminated (if, in view of the new war, it *was* terminated) until 1936, when the last countries remaining on gold found themselves forced to give in too. Only then did the Tripartite Agreement between the United States, Great Britain

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and France (for mutual assistance in the stabilization of the French franc) bring the monetary policy of this country into line with its commercial policy.

The actual results of that commercial policy have nevertheless been highly remarkable.

Up to the end of 1939, according to releases from the Department of State, trade agreements with 21 nations have been concluded. These embrace this country's two best customers, Canada and the United Kingdom. Eleven further agreements have been concluded with American Republics: Cuba, Haiti, Brazil, Honduras, Columbia, Guatemala, Nicaragua (ineffective since March 1938), Costa Rica, El Salvador, Ecuador and Venezuela. In addition, there are eight agreements with European countries: Belgium, Sweden, the Netherlands, Switzerland, France, Finland, Czechoslovakia (terminated in April 1939, after the conquest by Germany) and Turkey. Our foreign trade in 1938 with these trade-agreement countries other than Czechoslovakia and Nicaragua constituted approximately 60 per cent of our total foreign trade.

The concessions obtained from the partners to these agreements consist on the one hand, as indicated above, of the unconditional most-favored-nation treatment for our exports. Prior to the agreement, for instance, Canada was imposing higher duties on American products than on similar goods coming from certain other foreign countries, under a policy of retaliation against the Hawley-Smoot Tariff. That has been ended. Similarly the United Kingdom, the leading wheat market of the world, has removed its discriminatory duty on wheat and also its discriminatory 10 per cent duty on lard (of which in 1938 it purchased more than half of the total export from the United States). Moreover, by the agreements concluded up to December 1, 1939, foreign countries have granted concessions, including duty reductions, quota increases and bindings, on about three-quarters (73.8 per cent) of their total imports of agricultural products from the United States and on almost one half

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(48.5 per cent) of their total imports of non-agricultural products from the United States. For all products combined, 55.7 per cent of the agreement countries' imports from the United States have been the subject of concessions to this country. At the same time the United States has granted reductions in duty which apply to 15.1 per cent of our total imports on the basis of 1937 figures—in addition to the binding of products on our free list and to the most-favored-nation clause. But, says Secretary Hull:

> Many of the commodities with respect to which duty adjustments have been made are of a type of which we do not produce quantities sufficient for our needs, notwithstanding that we have long imposed extremely high tariffs on most of them. Again, many imported commodities are so different in grade, quality, price, or marketing season from commodities produced in this country that reasonable reductions of existing duties on them help foreign producers and benefit our consumers without hurting our producers. All of these imports, while being useful and beneficial to our people, provide our foreign customers with the means of paying for our burdensome surpluses.

The following table shows the development of this country's foreign trade during the period under discussion:

	Exports	Imports
1929	$5,241,000,000	$4,399,000,000
1932	1,611,000,000	1,323,000,000
1936	2,456,000,000	2,423,000,000
1937	3,349,000,000	3,084,000,000
1938	3,094,000,000	1,961,000,000

The figures for the last two years are very illuminating in themselves. While imports, after the strong increase shown in 1937, dropped with the new depression in 1938 by more than one third, exports decreased to a relatively small extent only and remained at a high level, a fact indicative of their great importance as an equalizing and stabilizing factor in a sudden domestic recession.

Of course the commercial policy of this country was not the only factor responsible for the fundamental changes that oc-

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curred during that decade; nor was the Hawley-Smoot bill the only cause of the downswing during the crisis or the trade agreements the only cause of the later recovery. But that the trade agreements supported recovery is also evident. The State Department compared the development of our foreign trade with trade-agreement and non-agreement countries in the years 1934-35 and 1937-38 respectively. For imports no great differences are to be seen: the total imports rose by 36.2 per cent, the imports from trade-agreement countries by 35.2 per cent and the imports from non-agreement countries by 37 per cent. But for exports the results are most impressive. American exports to all countries were increased by 45.9 per cent. But the exports to non-agreement countries rose by only 37.9 per cent whereas the exports to trade-agreement countries had increased by 61.2 per cent. Figures from the agreement countries themselves show the same thing.

> They have generally increased their purchases of American products more than they have increased their purchases of the products of other countries. For example, in 1937 and 1938 Belgian imports for consumption from the United States were 81 and 100 per cent respectively above imports during the pre-agreement year, 1934, while Belgian imports from all other countries were only 44 and 14 per cent greater. In the three years 1936-38 of the first agreement with Canada, that country's imports from the United States averaged 42 per cent greater than in 1934-35 as compared with an average gain of 22 per cent in Canadian imports from countries other than the United States between the same periods. . . . Cuban purchases from the United States have more than doubled since the trade agreement with Cuba went into effect in September 1934. . . . Similar increases in imports of United States products are shown in the statistics for the Netherlands and other countries.

That is to say, a greater volume of exports was achieved by the trade agreements than would have been possible under the foreign restrictions and discriminations resulting from the Hawley-Smoot Tariff. More men and more capital were employed; more wages and more profits were earned because of the increased volume of exports. And that meant increased purchas-

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ing power also for the domestic consumption of those commodities which were not immediately benefited by the growth in exports. This policy supported the whole American economy.

It is, however, not astounding that with such a turning back to normal, the old "normal" opposition to any tariff diminution has also become more emphatic.

Protectionism, in spite of all the loud proclamations in favor of free enterprise and against state interference in business, is deeply rooted in this country. It dates back to the time when Alexander Hamilton in his "Report on Manufacturers" proclaimed the educational tariff—and in the opinion of those who are protected, the period of "education" during which they need protection will never come to an end. Only recently so prominent a Democrat as Senator Wheeler could repeat the old slogan calling for a tariff equal to the differences in costs of production—which by definition would be prohibitive to all imports since it is exactly the differences in costs of production that lead to imports! The demand that the American market belong to the American producer, farmer, manufacturer and worker has a great allure.

But those who have to pay for it are usually forgotten. That is true of the farmers, most of whom cannot be protected even by the high tariffs, because their main products are surplus commodities the prices of which are determined by the world market. It is true of all those employed in the service industries, such as transportation, the wholesale and retail trade, public utilities, hotels, professional services and the like—about one half of all the fifty million gainfully employed. It is finally true of the general consumer. The lion's share of the profits won through protection is thus appropriated by a comparatively small minority of that continually-cited "American producer" —especially by those who are able to establish some monopolistic power of their own within the American market. And it is ironical that often this same group is also best able to evade the consequences of the tariff when high duties threaten to harm

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them. For their capital is not bound to the American market. If tariffs, domestic or foreign, establish economic boundaries, capital can easily jump over them. The "American producer" thus meets the competition of the Argentine meat packer or the Canadian manufacturer—who actually are often nothing but branches of American enterprises abroad.

On the other hand, the position of those who are either lending the trade agreements policy a lukewarm support at best or else are heatedly fighting against it has during the last few years been strengthened from an entirely different ideological angle.

There are those who urge the necessity for a planned economy. Their argument is this: for planning, for economic intervention, the state needs a territory in which to plan and intervene. And this territory cannot, in the absence of an international superstate, be the world. The planning can only be done by and within the individual national state. The planners, consequently, are not interested in protection. But, because they believe planning can operate only within the borders of a specific area, they favor a separation of their country from the outer world, to be made effective by shrinking the country's economic intercourse with foreign nations. Such was, for instance, the idea when Charles A. Beard in 1934 proclaimed the "open door at home." Meanwhile many advocates of a planned economy have become more reserved and more apprehensive of the realities. They feel uneasy in such close proximity to the economic nationalists. And they understand they are in danger of attaining an entirely unwanted success—of achieving seclusion, with all its nationalism and protectionism, while their planned economy still remains an unfulfilled fancy of their dreams.

But their role in preaching seclusion is now being taken over by a third group whose number has been immensely increased by the recent fateful events on the other sides of the Pacific and the Atlantic. Wars in Asia, wars in Europe—let us at least preserve peace for the American people. Let us follow a policy of isolation, spiritually, politically and economically. Let us

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utilize our vast resources for the prosperity of Americans. The same isolationism which came so strongly to the fore in the recent debates on the Neutrality Act is thus appealed to now against the policy of the trade agreements, and questions: why do we need them at all?

Why, indeed? A large volume of foreign trade is certainly not an aim in itself. An international division of labor, like a national division of labor, is only a means to an end. And that end is a higher standard of living for the great masses of the population. Foreign trade, broadly speaking, is engaged in to make available, by imports, such goods as cannot be reasonably produced at home; to furnish, by exports, the means of payment for the imports; and to procure, by the interaction of price mechanisms, the cheapest production of goods. If expanded and improved domestic production makes previously-needed imports superfluous and if, as a result of such domestic expansion, formerly exported goods are to the same extent consumed at home, no one in his senses will be anything but happy about such a rise in efficiency and prosperity, even though it leads to a diminution in foreign trade. It is not, in fact, very likely to do so. The England and Germany of the prosperous decades preceding the World War provide a most illuminating example of two quickly-expanding and intensifying economies which, while developing along largely parallel lines, nevertheless expanded and intensified their mutual imports and exports—because that was the cheapest way to secure the greatest amount of goods for both of them. Amplification and specialization of production are correlated, not contradictory, provided the Law of Price is permitted to play its role of arbitrator. But if the international exchange of commodities is artificially destroyed for the sake of self-sufficiency, and regardless of the costs of production, then artificially high prices will burden the people and lower the standard of living. Such was the consequence of the German autarchization. It would also be the consequence in this country. More and more generally it is recognized that if there is to be a real and lasting

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recovery there must be a substantial increase in the purchasing power of the larger part of our population—and that to this end prices must be lowered and our price system largely cured of the rigidities and disparities now afflicting it.

Moreover, the burden on consumption would not be the only price paid for an American self-sufficiency. Suppose that the present surplus production of our agricultural and manufacturing industries which now export could be cut down to the comparatively small amount still essential if we are to buy those raw materials and tropical goods which for geographical and climatic reasons must be imported. Such a regrouping would be accompanied by such a huge devastation of human and material capital that one can only be amazed at the lightheartedness of the men who recommend it in earnest. "No responsible statesman today is seriously advocating free trade. Industries have been built up and economic alignments have taken place under a system of protective tariffs which could not be erased without causing nation-wide dislocation." Thus Francis B. Sayre. He is right. But the same consideration should prevent responsible men from advocating American self-sufficiency.

But the economic considerations do not exhaust the problems involved in the struggle between the high-protectionists and the isolationists on the one hand and those who press for trade agreements on the other. The struggle raises the question of war and peace and of the future organization of the world.

A large volume of world trade obviously does not by itself secure world peace—as was evidenced by 1914 and by 1939-40. The economic interpretation of history failed in 1914 and it is failing now. It is, most of all, the non-economic man who makes war. We shall always be mistaken if we do not recognize the supremacy of politics over economics. A functioning world economy alone will not be a guarantee of peace. A deep and widespread desire for good will must accompany it. In a world dismembered by heated nationalism, that nationalism may destroy peace and economic welfare as well.

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The trade agreements policy has nevertheless made for world peace, for it is much more than a shrewd bargaining about this or that item of the tariff. It is a weapon against nationalism, that foe to peace. It restricts the reign of economic nationalism, here and in those other countries which have become partners to the agreements. And by so doing it has contributed to healing the discouragement which can so easily be used as a hotbed for nationalistic propaganda. Moreover, it has opened a brighter outlook to the small nations which suffer most from the economic nationalism of the large states; for the economic nationalist and the isolationist alike usually forget completely to say what should become of those small countries for whom their prescription of seclusion and self-sufficiency may mean the greatest of hardship short of subjugation or destruction.

The Secretary of State, on the occasion of the fifth anniversary of the enactment of the Trade Agreements Act, emphasized not only the economic advantages secured for American agriculture and industry through the trade agreements. He spoke of the international implications as well:

> Those who have joined with us to keep open the main highways of peace have benefited materially. Great nations are more prosperous; small nations are more safe, more free, since they do not have to submit to economic and ultimately political domination in order to live. The contribution already made is one of which this country may be proud.

That was said on June 12, 1939. A few weeks later there was war in Europe. When it is over much more than trade agreements may be necessary to restore what may still survive of Western civilization. In the meantime many of the avenues of trade are blocked or destroyed and great parts of the world will not be reached by the message from the United States. But other parts of the world may, perhaps even more easily than before; the rapidly-growing comprehension of the community of interests among the American nations is proof of it. Most of all, the message itself retains its value and its dignity even in a hostile world—the noble message of peace and good will and of greater economic welfare and justice.

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"Romanticism, despite errors of judgment and quarrels of persons, stands for democracy and the historical method."

To the Rescue of Romanticism

JACQUES BARZUN

AT A time when sincere defenders of culture and democracy assail fascism as a neo-romantic revival, when Hitler's works and Mussolini's "thought" are conned over to trace the course of the romantic virus; and when great figures of the romantic period are made the spiritual sponsors of dictatorship and violence, it becomes doubly necessary to know just what one understands by romantic and romanticism.

Historians of thought and culture who have attempted to find unity in the Romantic Movement have generally had their labors for their pains. The result is that the current notion of Romanticism is broad enough and vague enough to apply equally to Hitler and John Keats, to Mussolini and Ralph Waldo Emerson. It is confusedly thought that Romanticism has to do with a Revolt from Reason and a Return to Nature, yet Romantic is commonly used as the opposite of Realistic. Naturalism, then, is not realistic. Again, one finds it said with assurance that fascism is like Romanticism in being anti-Christian and anti-rational and, at the same time, that fascism is a new idealism with devastatingly practical purposes.

The inconsistencies are so many that it is best at this point to let fascism seek its own definition and to concentrate on romanticism by tackling it historically. A few historians have taken the view that romanticism was not a single movement at all but a congeries of fads and affectations, largely negative in purpose and decidedly foolish in performance. This is more easily said than proved, or even believed. In any backward glance over the road travelled since the French Revolution the positive achievements of romanticism still loom large and solid. Examine any branch of culture—poetry, painting, music, historiography, science, law, philology and other areas of schol-

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arship—try to remove from its present stock the contributions of the men who lived between 1770 and 1850, and then see whether the residue is not poor indeed judged by any standard whatsoever. Next cast your eye upon the men included within these dates and, without searching into the details of their different accomplishments, ask yourself whether there is not a family likeness in the mode and mood of their undertakings. Even science, which we tend to think remote from the current and eddies of the Zeitgeist, bears the imprint of a comprehensive attitude which rightly or wrongly has been called romantic and which, if romantic is to mean nothing positive, must be called by some other name covering the same historical facts and corresponding to our identical impressions of them.

As a matter of fact, any prolonged steeping in the work of the romanticists leads one to seek a statement at once inclusive and definite of their outlook. It should not be hard to find, for they were articulate enough in their own behalf. But it seems as though the very ring of their voice exasperated us into deafness; we are both too near and too far from them to hear much beyond our own catchwords. Consequently we must have recourse to other utterances, distant enough to be impersonal yet near enough to correspond to the views and the feelings of the romanticists themselves. Such utterances I believe can be found in two writers of the 17th century—Pascal and Spinoza—whose return to favor in the early 19th is a guarantee of their adaptability to the temper I am trying to put into words. Distortion, it is true, accompanied the rediscovery of these men, for the principles of two epochs never exactly coincide, and if ideas were not perishable goods always damaged in transit, the fugitive hints about to be made would find no excuse. It is only because we rather ignorantly make the romantics scapegoats for our own troubles that a revaluing of their outlook—however approximate—is so much needed.

The central fact behind the romantic movement is undoubtedly the French Revolution. The Revolutionists themselves were largely classical in temper: it is the effect and the impli-

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cations of the Revolution that help us grasp the meaning of romanticism. By turning society upside down the Revolution made vivid the contrast between natural man and artificial society—an old distinction but one which, translated into action, generally has the effect of "making all things new." It rests on the common enough supposition that vegetation existed before gardens, speech before grammars and poetry before academies. In such a view traditions, laws and customs, though inescapable in one form or another, are also varied and changeable. Given man, one is not compelled to think of bishops or postmen.

Montaigne, like that earlier romantic, Shakespeare, had felt the force of these intuitions at a time when the known world was expanding so rapidly as to make the notion of social fixity seem absurd. Monarchy, which meant uniformity, gradually settled down on France and England alike, but at its height Pascal reverted to Montaigne's observations and reasserted an essentially romantic diversity:

> My friend, you are born on this side of the mountain; it is therefore right that your elder brother should inherit everything.
>
> Why do you kill me?—But you live on the other side of the water.
>
> Theft, incest, the killing of children and of parents—everything has once been accounted a virtuous action . . . From this confusion comes the fact that such a one says justice lies in the authority of the lawgiver; another in the convenience of the Sovereign; a third in present custom; and the last is the soundest: nothing, according to reason alone, is just in itself; everything varies with Time. . . . Customs must be followed only because they are customs and not because they are reasonable or just.

Pascal is not a revolutionist, far from it; from diversity he argues the uselessness of replacing one arbitrary social scheme by another equally unjust. But he confirms the relativity of standards—"Truth on this side of the Pyrenees, untruth on the other." Note, however, that relativity does not mean irresponsibility or absolute monarchy. Standards, though relative, exist.

Perceiving all forms and conventions to be relative, the romanticist is an individualist, a democrat and a cosmopolitan.

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Having had the mutability of human affairs brought home to him and being endowed with the spirit of adventure, he values the variety of human experience. As artist he seeks to capture local color; as historian he distinguishes the genius of many lands or peoples; as natural scientist he pleads for the method of observation without moral judgment; as philosopher he shows how very narrow are the limits of pure reason. The philistine of course calls his local color exoticism—falsely, because to the citizen of the world nothing can be extraneous or alien, i.e. exotic. The modern scholar may call impressionistic, antiquarian or escapist the romantics' lively sense of the past and the remote. But this same principle of social relativity, this awareness that opposite things do not cancel out but can be equally good, explains the romantics' medievalism, their taste for folklore, their globe-trotting in search of landscapes, their devotion to Greek independence, even their willing belief in the supernatural. The same principle also works biographically and helps us understand and reconcile such diverse personalities as Scott and Byron, Mme. de Staël and J. de Maistre, Leopardi and Hazlitt—all romanticists—who differ from one another in the way that Pascal differed from Montaigne—on the proposed resolution and not on the facts or the meaning of life.

Just as we can say that for the romanticists relativism was embodied in the Revolution, so we can say that Bonaparte symbolized man's fate. Otherwise the fact that almost without exception the romantic generation fell under the spell of the Napoleonic personality (even when they hated it, even when they knew that it was three-fourths legendary) would be inexplicable. They fell under it because Bonaparte's career, starting from nowhere and ending in nothing, with all the interim between, makes vivid what Pascal terms the greatness and wretchedness of man. But do not mistake: the greatness is not in the victories and imperial pomp nor the wretchedness in defeat and exile. These are its physical manifestations only. The greatness and wretchedness are in man. Man thinking is superior to the blind universe that crushes him—hence man's

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powers, triumph and conceit. But the knowledge of a hostile or indifferent universe, the fear of the "infinite spaces" and "eternal silence," the sense of something within that makes for both energy and failure, doom man and all his works to a miserable end. Hence man's despair, self-torture and humility.

Like Descartes, Pascal starts with the first person singular; but instead of arriving at a classical order which, as good luck would have it, corresponds closely with that which we find established, Pascal discovers an inner and outer contradiction which he is unwilling to explain away. "Many certainties are contradictory. . . . Contradiction is not a mark of falsehood, nor non-contradiction a mark of truth." Similarly, for the romanticist, nothing can be predicated of man except this one thing, that he exhibits a contradiction of powers: not the supremacy of reason in him nor a complete subjection to the heavy hand of necessity, but—to adapt Pascal's own words—the eternal contrast between the thinking and the broken reed.

The perpetual antithesis between these two aspects of man properly constitutes his lot, furnishes the subject of his thoughts and determines the character of his actions. The romanticist hero, the artistic genius, with their thirst for experience and their "Byronic" despair, are the embodiments of this conception. "The greatness of man is that he knows himself wretched. . . . It is therefore wretched to know that one is wretched; but it is greatness to know that one is so. . . . Man great even in his desires. . . ." Thus are explained the apparent egotism, the inexhaustible passion and the unconcealed restlessness in the lives of many romantics. But these are not necessarily a sign of folly or puerile vanity. They may be the common nature of man, magnified in the romantics by the limelight of public life and the force of unusual powers of introspection: "The whole dignity of man," says Pascal, "consists in thinking. . . . But what does this thought amount to? And how silly it is!" Silly and dignifying. Romantic heroism becomes an empty affectation and a melodramatic display only in those who ape the attitude without feeling the urgency. The fact that romantic

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lives also show a seamy side or a want of calmness is therefore no diminution of the heroism; on the contrary it is the drabness and the anguish that make life heroic. Nor is the contradiction, *pace* Lytton Strachey and his school, in the least "strange" or "curious" but natural.

Pascal of course pushes his arguments about social relativism and the wretchedness of man to the utmost limit in order to justify the existence of God and point the way to mystical blessedness and peace in Christ. Some romanticists, like Blake and Cardinal Newman, went with him the whole way; others only as far as his analysis of society and man's fate. But in either case it is illuminating to note the insistence on the element of risk or gambling. Pascal's suggestion that man should gamble on there being a God, because the gain is bound to be infinite and the chances even, is often spoken of as a crass appeal for Catholic converts or is ascribed to an inveterate mathematical habit. On closer reflection it appears much more central to the rest of Pascal's argument and to what we may take the liberty of calling here the philosophy of romanticism. The contrast between man's state of wretched despair and his capacity for greatness demands a resolution where none is possible by mere reasoning. It follows that the next step is a jump, a leap in the dark, an *a priori* assumption of practical reason—in short, a wager.[1] However looked at, it is a risk without guarantee, whereby one may lose one's life in order to save it. "You must make a bet," says Pascal, "it is not in your power not to: *you are embarked.*" You must gamble for the same reason that you previously felt despair—because it is impossible that your finite self possessing infinite desire should attain certainty.

The divergence between the mystics, like Pascal, Blake and Newman, and the pantheists, idealists or materialists who make up the romantic generation lies in the resolution or "answer" which they severally gambled on. The diversity of answers no doubt corresponds to diverse temperaments and experiences, but

[1] Compare the "philosophy" of Julien Sorel in Stendhal's *The Red and the Black* and the allegory of man's fate in Balzac's *Wild Ass's Skin.* Faust's bargain with the Devil is another form of the wager.

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it also grows out of the fact that few men will or can lead their lives according to a single consistent rule. That is why it is always misleading to take literally any single jotting as an exposition of the whole romantic outlook and to imagine its author as bound within the scope of his momentary mood.

Besides, it must be remembered that the various answers—pessimism, profligacy or suicide (Byron, Leopardi, G. de Nerval, Beddoes); hard work (Carlyle and Goethe); devotion to art and nature (Rousseau, Schopenhauer, Beethoven, Berlioz); reconciliation of self to social rule (Wordsworth, Kant, Coleridge); energy and individual strength (Stendhal, Burckhardt, Gobineau); revolution (Shelley, LaMennais, Landor, Büchner); counter-revolution (de Maistre, Bonald, Hegel, the Oxford Movement); scientific or historical research (Faraday, Bougainville, Michelet, Ranke)—are not all of them mutually exclusive or equally practicable. Pascal, we know, wore a spiked belt next his skin and Newman wept as he played the violin but these are incommensurable tests of mysticism. Similarly the test of "true" romanticism is in the atmosphere it creates and not in any one activity or token. The discovery of an energetic and practical leader at Missolonghi in an alleged cynic like Byron upsets all superficial classifications and is no proof that Byron was a particularly wayward or contradictory nature. It is rather, like so many other inferences from biography, another proof of the more basic contradiction which the romanticists accepted in order variously to transcend it.

The two main principles to which we have related some of the phenomena of romanticism have each a practical worldly counterpart. The counterpart to social relativism is romanticist politics and the counterpart to the psychology of despair is romanticist esthetics. The naturalistic observation of society, as we have seen, set at naught the claims of a supreme reason. But this did not mean indifference to the ills of this world or complacent acceptance of the status quo. Mankind as a whole and geniuses in particular seem constitutionally incapable of such passivity. The mystics and poets (the most likely to dwell

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on ideal or other-worldly solutions) were militant for social betterment and supported liberalism and revolution (or their opposites) with that end in view. Romanticism in politics, however, is something wider than allegiance to a given party; it must mean, at least for the historian of ideas, the common denominator of tendencies in any age, over and above the clash of immediate programs.

Instinct and experience teach man his true nature; why cannot they help him organize society? This question is of the essence of romantic politics. But experience generalized is history, and instinct universally respected is democracy. Romanticism, therefore, despite errors of judgment and quarrels of persons, stands for democracy and the historical method. Democracy means here not plebeianism but equality in diversity; and the historical method means not scholarship alone but empiricism and the distrust of absolute, *a priori* reasoning.[2]

So long as Reason was One, Monarchy was the only conceivable social order, just as the "polite man" with his single standard of behavior, dress and art was the only conceivable creature. Individualism, for the thorough classicist, was little better than rebelliousness and conceit; but for the romanticist it is the recognition of difference and the tolerance that goes with it. Ironically enough, as we have seen, romanticism was the offspring of reason by way of the French Revolution. For the reasonable man, in pursuing his course, set in motion ideas and forces that upset the social order which was one part of his standard and the mathematical-Newtonian view of life which was the other. In the light of this sequence nothing could be falser than to term romanticism a revolt from reason and take these words to mean that suddenly a portion of mankind decided to embrace a life of impulse and folly. The facts call for

[2] Sir Walter Scott was a conservative landowner who hated revolution, but all his work and all we know of his life breathes sympathy with and understanding of the common man. Carlyle was a democrat in that same sense, though he abhorred the contemporary plutocracy that went by the name of democracy. To clinch the point, compare any romantic critic of democracy with Racine, Montesquieu or Lord Chesterfield. The signs of a neo-classicism in our own day can be found precisely in the hankering after a monarchical form, a social and artistic convention, and an established—as over against an individual—religion.

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Liancourt's answer to Louis XVI when Louis spoke of revolt: "No, Sire: it is a revolution." Reason was not dethroned but was revolved on its base to admit the discovery Pascal had made a century before: "*Le coeur a ses raisons que la raison ne connait pas*"—a discovery made by the use of reason, and repeated on a grander scale in the time of Rousseau and Wordsworth.

The "reasons of the heart" can be translated as the setting of a value upon emotion, feeling and imagination; but overfamiliar as we are with the checkered lives of the romantics we may find it hard to resist the notion that this respect for the heart was simply an excuse for irresponsible behavior. There is scattered evidence for this view, but the question is one that cannot be resolved in the lump. Particular instances from particular lives must be judged on their merits and compared with the probabilities of human behavior at all times and places. Classicism and romanticism, moreover, like Stoicism or chivalry, are ideals of life which actual life only approaches as a polygon approaches its limit. It is well to remember, when we are inclined to judge hastily of romantic despair, that on one occasion Racine, Boileau and their friends became so despondent about life that they were prevented with the greatest difficulty from going to the Seine in a body to drown themselves. When we are tempted to confuse issues and to think of Rousseau as a rhapsodist, deficient of brain and overfull of heart, it is useful to turn to his writings and find in them much logic, simplicity and plain observation.

A fair judgment of the romantics in this matter of reason and emotion is threatened by our ingrained belief in the complete separation of thought and feeling, and it is here that the great "find" of the romantics—Spinoza—delivers us from error with his psychology. Spinoza makes it clear that desire is inseparable from life itself and that all emotions are associated with ideas, often casually and dangerously, but always inevitably. What happens when, as the phrase goes, we wrestle with ourselves, is not that a part of us called reason joins battle with another part called emotion but that two emotions welded

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to two ideas struggle for mastery. "Will like Intellect is only a certain mode of thinking." If our idea refers to the outside world it may be inadequate—as when we cry for the moon and fail to get it. But we are not split crosswise, our brain having a perfect knowledge of astronomy and our heart cherishing a disconnected longing for the moon. Spinoza points out, moreover, that only a stronger emotion can displace another which has hold of us. The possibility of peace or happiness in man depends therefore upon his limited though real power of sorting out his ideas and emotions and of harnessing the strongest desires to the most permanently satisfying ideas. "To act absolutely according to virtue is nothing else than to act under the guidance of reason, to live so, and to preserve one's being (these three have the same meaning) on the basis of seeking what is useful to oneself."[3] This union of emotion and reason is implicit in the famous phrase *amor intellectualis Dei.* To speak of the romantics or anybody else as if the cold reason of mathematics were at war with the hot imaginings of poetry is to speak like a plumber and not like a philosopher. Faraday was as anxious and emotional an author as Shelley, and Beethoven as rational and patient a workman as John Stuart Mill.[4] We acknowledge these facts every time we admire a "beautiful" mathematical demonstration and every time we praise the logic and structural solidity of a work of art.

The work of art might in fact be taken as the simplest symbol of the romantic way of life, and the esthetic attitude as the simplest description of the romantic philosophy. But romantic art, as we might expect, differs from classicist art and even from the common notion of the romantic art. For one thing, it mirrors the irregularity of nature and therefore conforms to no universal standard of beauty; it values scope and complexity above compactness and perfection of finish. For another, it is realistic in the widest sense: everything imaginable is real, in-

[3] Compare William James and Freud insofar as the theory is psychological.

[4] Pascal's distinction between the *esprit de finesse* and the *esprit de geometrie* confirms the fact that men endowed with identical emotions and of a common nature, but differently habituated, produce different works and act like different characters.

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cluding romance; it has roots in folk art and reproduces, consciously or not, the spirit of democracy as previously defined. These qualities are at the root of all the scattered impressions current about romantic art. It is an art that embraces the love of nature and the new realism of diction, color and sound; the ugly, the fantastic and the grotesque; the Wordsworthian interest in the simple emotions of common men and the Coleridgian use of the supernatural. It uses and extends every possible means of expression in the arts and courts formlessness in seeking new shapes of the beautiful. Romanticism creates order like every other artistic creed, but the order, as Spinoza says of the ugly and the beautiful, is not pre-established. Consequently each work of art contains its own form which the beholder must discover before he can pronounce on the perfection of the product. Pascal had put the same thing in much the same way: "No one knows what the pleasure or object of poetry is. No one knows what the natural model is that one should imitate, so lacking this knowledge we have invented certain bizarre expressions . . . and we call this jargon poetical beauty."

In this light the autobiographical or, as it is often miscalled, the subjective element in romantic art must be reinterpreted. It springs not from excessive self-centering but from the new desire for notes upon experience. Its speaking in the first person can be seen as a kind of modesty, backed by responsibility for one's impression; whereas there is something pompous and irresponsible in the confidently didactic classicism forever chanting universal truths.[5] Moreover, the much-decried yearning for "self-expression" permits the artist whose Self is equal to the task to embody in art the sense of conflict from which romanticism springs. This does not mean on the part of the artist a tedious reiteration that man is both wretched and great. It does mean that romantic work is first and foremost a display of con-

[5] It is instructive to compare, let us say, Boileau and Victor Hugo in this regard. The prefaces to Boileau's work are minutely concerned with his own feelings and the praise or blame he has received from such-and-such, while the works themselves chiefly deal in generalities. Victor Hugo tends on the contrary to generalize about artistic and political principles in his prefaces and to reveal concrete feelings and ideas in his works. In reading books, Pascal preferred to find "not an author, but a man."

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trasts, a dramatic view of life which does not take sides and is without hope of resolution. So defined, drama is the special mark of romanticism in art. The conclusion is not invalidated by the fact that the plays of the period are actually the weakest part of romanticist literature, for real drama often gets but a feeble footing on the conventional stage.

So far, then, the archetypal romantic would be a pragmatist and pluralist, and so he actually was in earthly things. Spiritually, the human desire for a transcendent resolution found satisfaction in a many-sided religious revival. It was Catholic, Protestant, pantheistic, mystical and materialistic by turns, and passionate through and through. Like Lucretius, the materialists loved their universe of matter, and compared with them the classical Deists were palely Stoical. The pantheists, idealists and transcendentalists, far from deadening nature into uniformity, throve on inconsistencies for the sake of which they were prepared to find hidden compensations. The Neo-Catholics fed their artistic impulse as they worshipped, and merged the romantic sense of misery with the Christian doctrine of original sin. And all of them, including the new disciples of Oriental philosophies, recognized as basic the romantic (as well as Christian and democratic) notion of the equal worth of every living soul. Romanticism was full of *dis*believers in every kind of creed, but it numbered hardly a single *un*believer. Fervor in search for God the Infinite was the complement of despair; and given man's greatness as a thinking reed willing to wager his soul, man could find the light shining through the works of nature and her poets, through the geometry of Spinoza or through the counterpoint of Bach.

All this seems a far cry from the wilfully-narrowed world projected by the two philosopher-kings of our time, Hitler and Mussolini. Crude, broken echoes or a second-hand romanticism may appear here and there in their remarks; but the touchstone of the true fervor is the very principle they war against: "Man is powerless to prove, in the teeth of every dogma; and goes on thirsting for truth in the teeth of every doubt."

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"Liberty is something which can be threatened by economic as well as political power; and . . . the latter may interpose . . . against the former."

Statesmanship on the Supreme Court

EDWARD S. CORWIN

"WE ARE very quiet there," Justice Holmes once wrote, referring to the Supreme Court, "but it is the quiet of a storm centre, as we all know." To remain at the center of a storm one has to keep moving, and there have been times, as for instance in the early days of the New Deal, when the Court was not as spry as it should have been, with the result that it lost a few plumes. Within the last three years, however, it seems to have again caught up with the tumultuous procession of which it is so essential a part—to be once more at the center of the storm and prepared to serve it as a stabilizing rather than a retarding agency. "The recent revolution in our constitutional law" has already become more or less of a commonplace; therefore understanding of its nature and probable import for the future is likely to have escaped attention.

We start from certain elementary propositions. One is that the Constitution is the supreme law of the land and that all other laws have to conform to its requirements; another is that all laws involve the courts sooner or later in their enforcement; still another is that the courts enforce the laws, and hence the Constitution, as *they* understand them; and yet another is that no law will be enforced by the courts which they, following the lead of the Supreme Court, deem to be in conflict with the Constitution. Also, it is agreed that the national government is a government of "enumerated powers," which means practically that Congress may legislate effectively only on matters which a majority of the Supreme Court regard as falling within the "enumerated powers." Furthermore, Congress may not pass laws even on such matters and get judicial support for the legislation if it violates the Court's reading of certain prohibitions of the Constitution—for instance the one which says that "no

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person shall be deprived of life, liberty, or property without due process of law."

At this point, however, we leave the area of agreed principles and enter the field in which the "revolution" in our constitutional law has occurred. "The Congress," says the Constitution, "shall have power . . . to regulate commerce . . . among the states." But what is "commerce"? At the time the Constitution was adopted the term was sometimes used as virtually synonymous with business and as including even manufacturing. Yet a hundred years later it had come to be confined in some of the Court's decisions to transportation merely. And when is commerce "commerce among the states"? Does this phrase imply that in regulating commerce Congress must be careful not to regulate acts, like production, which take place exclusively within particular states; or may Congress on the other hand regulate commerce among the states, entirely regardless of the repercussions of its laws on intra-state affairs? And what is meant by "regulating" commerce in the sense of the Constitution? Must Congress' regulations be designed primarily to favor the development of "commerce among the states" or may they even prohibit such commerce in the furtherance of other interests, such as the repression of child labor?

Then there is that clause of the Constitution which says that "The Congress shall have power . . . to lay and collect taxes . . . to provide for the . . . general welfare of the United States." It is agreed, of course, that Congress may spend the proceeds from the taxes which it is entitled to lay and collect; the point in dispute is the meaning of the term "general welfare of the United States." Is "the general welfare of the United States" provided for when Congress hands over funds to the states to aid them in carrying out projects—vocational education, for example—which the national government could not otherwise promote; and is "the general welfare" provided for when Congress votes money primarily for private benefit, as in Old Age Assistance or Unemployment Compensation?

Now it is evident that every one of the questions posed in the

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preceding paragraphs is capable of being answered unfavorably to national power and is equally capable of being answered favorably to national power. In fact, every such question has been answered in these contradictory ways at different times by very respectable authorities, including frequently the Court itself. So, when the New Deal first appeared on the political horizon, the Supreme Court had available to it a double set of answers to each of these questions—answers from which, without departing from its judicial role in the least, it could choose. And the "revolution" in our constitutional law consists simply in this: that whereas the Court between 1934 and 1936 chose its answers, in passing upon the constitutionality of New Deal legislation, largely from those which are unfavorable to national power, it has since, when confronted with similar questions, chosen them largely from those which are favorable to national power. In a word, the "revolution" is a revolution in the point of view of the Court itself. How is this to be accounted for?

The decisions of the Court in 1935 and 1936 setting aside the NIRA, the AAA and the Guffey Coal Act were the result of inertia in the precise sense of the tendency of a body to continue in the same direction unless and until it is interfered with by some outside force. For nearly a half-century prior to the Poultry Case, in which the NIRA was thrown out, our constitutional law—that is, the Court—had pursued, not without some interruptions and unevennesses, one general trend in cases touching the relation of government to business. This was the trend which is termed laissez faireism, the practical purport of which was that government—state as well as national—should not interfere with the employer-employee relationship; and especially that the national government ought not to interfere with the employer-employee relationship in *productive industry*. But following these decisions three things happened, the accumulated effect of which on the Court was precisely that of an outside force and one of increasing momentum. These were: first, Mr. Roosevelt's overwhelming reelection; second, the CIO strikes in Detroit—giving the lie direct to the idea

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that great industry could be effectively governed by the states; and third, the President's Court Proposal. The relative influence of these developments in shocking the Court out of its inertia and in persuading it to reconsider its position in our system of popular government it is, of course, impossible to determine, if it were worth while to do so. The essential thing is that the Court did reconsider its position, thus putting itself in line with the rest of the government—back in the center of the tornado.

The two groups of holdings which signalize the Court's new point of view, which comprise indeed the essential core of the "revolution" in our constitutional law, were those sustaining the Wagner Labor Act and those sustaining the Social Security Act. The former invoke those answers respecting Congress' power over commerce that are favorable to national power; the latter those answers respecting Congress' power in taxing and spending for "the general welfare" that are similarly favorable. But there is a larger implication of these holdings which must be taken account of in evaluating the recent "constitutional revolution." Simply put, this is that state lines no longer count greatly in determining the extent of Congress' powers over business activities and social and economic conditions which themselves ignore state lines. That is to say, in the field of business, governmental power marches abreast with economic and industrial organization.

There are, of course, those who complain that this means the end of States' Rights, and indeed of individual liberty; but the complaint is justifiable only from the point of view of the laissez-faire conception of these. As to States' Rights, the truth is that the states were no longer capable of exercising the powers which this conception attributed to them. Furthermore, such legislation as the Social Security Act, far from diminishing the usefulness of the states, has stimulated them to new tasks, to new usefulness—has endowed them with a new lease on life.

And it is much the same as to Liberty. What is "liberty," and what is it "liberty" from? Laissez faireism defined "liberty" as, above everything else, freedom of contract—that is, the

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freedom of employers to dictate the terms of employment; and the thing which it particularly feared was governmental interference with this. The Wagner Act, however, was sustained by the Court as a measure designed to protect "a fundamental right" of labor, the right of collective bargaining, against the superior bargaining power of employers. Liberty, in other words, is something which can be threatened by economic power as well as by political power; and when it is so threatened the latter may interpose in its favor against the former.

Further than this, recent decisions show the Court thoroughly alive to the importance of "liberty" in that enlarged sense which embraces freedom of speech, press and assembly, and alert to protect unpopular minorities from the encroachment of local tyrannies, state and municipal, upon the enjoyment of this liberty. Likewise, as in the Scottsboro cases, in which it came to the defense of the helpless victims of race prejudice, the Court has shown itself the champion of "due process of law" in the sense of a fair trial as against the mere forms thereof.

Projecting these results into the future we may arrive at some understanding of what the Court's position in our system of government is likely to be in the days to come. Its importance as defender of the "Federal Equilibrium" will be greatly diminished—it will no longer play States' Rights against National Power and vice versa as it often did throughout the half-century between 1887 and 1937. It will no longer be the make-weight, that it was during that period, of economic power against political power. It will not, in brief, play the role that it has done at times in the past in the shaping of governmental policy in the broader sense of that phrase. On the other hand, released from suspicion of political or partisan entanglement, it will be free as it has not been in many years to support the humane values of free thought, free utterance and fair play. The recent "revolution" in our constitutional law turns out, therefore, to be a superior act of statesmanship on the part of the Court itself—one than which there is no greater to its credit.

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"Few persons will wholeheartedly accept the cold doctrine that the good life and the happy life in this world have nothing to do with each other."

The Dilemma of the Present-Day Moralist

HAROLD CHAPMAN BROWN

THE teacher of ethics under contemporary social conditions finds himself faced with a most unpleasant dilemma. If he derives his materials for instruction from our popular texts, based on the traditions of his subject, he finds himself expounding ideals of the good life and pleasant virtues which, if he is anything of a realist, he must recognize as impossible of realization in the present-day world except by the highly privileged who can live their lives remote from the sweat and dust of competitive living. On the other hand, if he concerns himself with publicized codes of professional and business conduct he finds himself confronted with a set of moral compromises that not only cannot arouse any great enthusiasm but are obviously at variance with roads to success as exhibited by the actual practices of leading businessmen and politicians. Shall he content himself with drawing a picture for his students of what the good life might be in a different world, or shall he satisfy himself by pointing out what are the ideals and practices by which men are actually getting on here and now? There is a deep-seated human prejudice that somehow goodness and happiness ought ultimately to go together, and it is hard to persuade the healthy-minded and not too religious young people of today that happiness should be too long deferred.

It is obvious that our ethical ideals and our practices of living have become artificially separated because nurtured in different contexts. To the historian the process is clear enough. It can be summarized from Laski's brilliant *Rise of Liberalism*. The new class of businessmen that replaced the feudal landowners and aristocrats in the 15th or 16th century not only had to free

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itself from the domination of the church and eventually get political power for itself; it also had to establish a new morality of thrift, industry and self-control if it was to exploit freely the natural resources of this world. The doctrine of natural rights was its weapon. The 18th century saw it firmly established, and was well prepared to accept with confidence Adam Smith's theory of the "invisible hand" by which men in seeking their own welfare would be led "to promote an end which was no part of their original intention," namely general human welfare. For those who suffered defeat there was relief in the fact of human sympathies, by which the more fortunate would be led to alleviate the lot of the unfortunate. Nor was this lot too bad, for Paley could write "the necessities which poverty imposes are not hardships but pleasures" in contrast with the miseries of the rich with their "worn and tired sensibilities" and "languid satiated experience."

By the 19th century, however, the contrast between wealth and poverty was too sharp to be thus easily disposed of by the moralist and theologian. The new Utilitarianism of Bentham was a concrete effort to cope with the actual problems of living. Whatever philosophical objections the doctrine had faced (such as the obscurity of its computation of pleasures or its neglect of qualitative distinctions between pleasures as higher and lower), in the hands of Bentham it became a powerful instrument for the amelioration of social abuses, although it never penetrated to their roots. John Stuart Mill perfected its statement, perhaps to the point of destroying utilitarianism. But by Mill's day its social vitality was becoming exhausted and Mill, according to Laski, turned in his old age to socialism rather than approve a society productive of misery the sight of which he could not endure. Mill was the last of the moralists to test ethical theory by the actual events of human life. After him ethics became a purely cultural study.

And this is not wholly strange. In the 17th century the cleavage between the owners of property and those who live by wages was already so clearly established that Locke could write

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"knowledge and science in general are the business only of those who are at ease and leisure." By the 19th century British higher education had become almost exclusively the possession of a leisure class. Bentham and Mill remained men of affairs; hence their ethics, however inadequate, was clearly shaped for the use of living men. University ethics takes on another character. Martineau is perhaps the highest type of academic scholar and gentleman. For his "systems of philosophical opinion grow from the mind's instinctive effort to unify by sufficient reason, and justify by intelligible pleas, its deepest affections and admirations" (Vol. 1, p. 8). Ethics is no longer, as in Locke and Hume, the quest for a sure basis of practical wisdom. The released prisoner refuses to return to his companions of the cave. Ethics consequently becomes an analysis and valuation of springs of action, a praise of reverence, compassion, generosity, gratitude and the like, with mild endorsements of love of gain, pleasure seeking and the love of ease.

The contrast is most striking when we compare the 19th century British philosophy of Martineau with the more virile philosophy of Greece. Aristotle drew for his countrymen the portrait of the high-minded man; but he knew that this man could appear only in a society based on a system of slavery that would protect his economic and class privilege, and he had the courage to affirm the desirability of such a basis. Martineau did not in the least perceive that only the most privileged of his fellow citizens could live in accordance with his rules for the conduct of a good life. In a society which openly made love of gain the primary motive to action, Martineau naively placed this motive, with never a word of protest, among the lowest of his springs of action. Martineau is the true product of the scholarship of ease and leisure which draws a veil between itself and a reality it is not good form for the gentleman to notice.

Under the same influences, American scholarship has developed its own type of leisure-class culture. We have never clearly faced the problem of education for democracy—that is,

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of the integration of culture with a democratic way of life. Our democratic idealism has been superimposed on a structure of laissez-faire capitalism. The culture remains that of an elite leisure class, and the democracy rests on the assumed opportunity to rise from a lower working and uncultured class to a higher leisured and possibly cultured one. Very little in our painting, our music, our architecture, our philosophy, is indigenous, for our cultural tests rest on the approval of authority and the authority we trust is the established authority of Europe. And since these imported arts do not, for the most part, deal with objects of our experience, how could we develop native standards to test them?

It is not that we have not had rebels, especially in recent years. The pragmatism of James was a philosophic revolt, and James somewhere comments on the surprise of students to find that something mentioned in a philosophy class had meaning for the world outside. The movement started by James is carried much further by Dewey, but academic philosophers are little interested in the more vital aspects of the work of these men and the dilemma of the professor of ethics is not yet resolved. Cultural education still suffers from nostalgic longings for its ivory tower. It is pleasanter to recline in the study of the gentleman than to sweat in the toil of building a civilization.

American culture often attempts a road of compromise. The needs of our industrial and democratically-oriented society have sullied its purity but have not conquered its spirit. Because the majority of our youth, even from well-to-do homes, cannot rest content with the cultural detachment of an Oxford or Cambridge since most of them must make their way in the world, our colleges and universities have adopted the practice of juxtaposing culture and vocational training in such fashion that by the junior or senior year a man can "get his culture off" and embark on studies assumed to be of practical value for his life's work—on the assumption that after a few years of strenuous business activity the dormant culture would again rise to the top and adorn his growing leisure.

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The teaching of ethics followed the pattern of this conception. Where the cultural atmosphere was strongest, ethics was likely to follow the path trodden by Martineau, but it was an ethics diluted to meet American needs. Such was the delightful literary ethics of the late Professor Palmer. More often there has been an effort to disguise the barren aloofness of the subject by simulating a contact with actuality. Thus one of our most popular texts, taking its stand on the hedonism that was such a powerful social instrument in the hands of Bentham, enumerates the best things of life as "the glow of health," "craftsmanship," "knowledge," "beauty," "friendship," "self-realization," "adventure" and "religion," prefacing the enumeration with a section on "why business and social position are disappointing"—a section fitted to arouse enthusiasm in young people preparing for a business career! Added to this is an account of benevolence that is calculated to lead to a justification of self-sacrifice and to avoid the anarchy implicit in egoistic hedonism. The question is never asked whether the conditions of our society make these goods possible for any considerable number of our citizens and, if not, what should be done about it. If ethics is not to become merely poetry the moralist must not only depict the good life but must also show the conditions under which it can be obtained.

Often our texts discuss so-called practical problems of the type: should I finish my college course or go home and work for my elderly parents who need my help. Now it is not that this and many of the problems considered are not real problems. They do arise, and must be solved, but actual solutions can be found only with the help given by good will and the best knowledge of the situation that close experience can offer. Also, the solutions are little better than expedient compromises in settings so complex that no textbook solution can be more than a pleasant gesture toward reality. In this style of ethics little is left of the utilitarian idea of the greatest good of the greatest number. The greatest number has come to be understood as the greatest number of the people who count—and may even be universalized to

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include *everybody* in the sense "everybody has left New York for the summer." That is, the solution to these problems can be justified only when they are understood in terms of the ideology of a social class, only when they take no account of the conditions necessary to validate them.

Another popular line of ethical instruction follows the path known as ethical relativity. The scientific affiliations of this view are congenial to the American mind, for we have been taught to look upon our civilization as the triumph of science in the hands of industry. Anthropology and history do throw some interesting light on moral judgments—namely, they exhibit variations in different societies and at different times. The moralist may offer explanations. Westermarck says we have rather special emotions of approval and disapproval which we expect others to share, and that we call things good because we approve them and bad because we disapprove. Others find the source of such values in interests or wants. Strictly the conclusion could be that each man is justified in his own ethical point of view, and that one such position is as good as another. This pleases college students; but it is always possible to demonstrate that since men want to live with their fellows they will approve or want, if they are intelligent, much the same sort of goods that are praised from other ethical points of view. They are left, however, with little practical advice as to how such goods are to be obtained. Ethics still remains in the lecture halls. If ethical relativists tied in their conclusions with economic needs things might be different.

There remains the second horn of our dilemma. The teacher may go out to our actual social life and see what men are really doing in the world of today. Now I do not mean to say that we have not our saints, heroes and martyrs. But if one starts with Lincoln Steffens' *Autobiography* and follows up the history of American Fortunes, the Labor Spy Racket, the procedures of our courts and the La Follette investigations, it would take a super-Nietzschean to justify, by ethical theory, the code whereby the will to power has attained success in our society.

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There is a way out for those with the courage to follow it. What the Greeks knew, we have forgotten. Aristotle declared that the good man could not exist except in a good society, and Plato found it necessary to plan a new social order before he could show what the good man is really like. If ethics is to regain vitality its first step must be to return man to the society from which he has been abstracted. He must be evaluated in the conditions under which he lives and in the light of the conditions that have molded him. Not even God can justly judge the human soul in isolation. Plato and Aristotle looked upon the social framework primarily as defining the sphere within which men must act and trusted to education to produce the proper men. Increase of knowledge lays upon us a heavier burden. We must look upon our institutions and customs not merely from the point of view of their efficiency but also from that of their educative influence, for we know that men become what they become by virtue of what they do. Social demands are far more effective in shaping character than the preachments of the Church, the teaching of the schools or even the training of the home.

The primary need is a more penetrating understanding of the processes of social history. The present is the outgrowth of the past but never identical with the past, and it contains the seeds of the future although it does not mechanically determine that future. Man makes his social institutions but he is modified, remade, by those same institutions; and even while he is remaking them so that they will be in harmony with the kind of human being he has become they are remaking him so that he is no longer that kind of human being. In many respects and for extended periods of time this process may go on by infinitesimal changes and we have what can be called a stable period of history. Then comes the moment when the accumulation of differences produces a qualitative change and a new period is begun.

Moral codes are no innocent bystanders in this process. They too arise out of specific situations and operate to modify the very

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situations out of which they have arisen, and must be so understood in any vital interpretation of ethics. But here we need a word of caution. Men like to think well of themselves and have become versed in ways of self-deception. A moral code may become associated with a religion, be venerated along with the religion, and have not a shadow of relation to actual practice. Sometimes a technique of "interpretation" may carry over emotional sanction from the moral code to acts wholly contrary to its spirit. The teachings of Christ have been assumed as sanction for the Crusades, the Inquisition, the World War and perhaps even the British foreign policy. But such reverenced codes, attached to events only by the gossamer threads of interpretation, are not real codes; and it is with real codes that an ethics for serious-minded young people must deal. Dewey makes a good point when he identifies morals with every aspect of value that is shared in human experience. That is, moral conduct is not something apart; rather, all aspects of living have their moral significance, in so far as they affect our lives for better or worse. Dewey's solution is to follow the way of intelligence; but, unless that way means piecemeal reforms of obvious abuses, it is hard to get from him a clear picture of ethically-satisfying guides, although a socialistically-ordered society is his apparent goal.

It seems to me the contemporary moralist is in very much the situation Plato found himself in as the successor of Socrates. We have many candidates for places among the virtues, we have analyzed them, attempted to define them, and in some measure we have tested the definitions to make them square with what are currently understood as the meanings of our terms. So did Socrates. But when these goods are presented as specific directions for the guidance of conduct we meet with rebellion. Recall the struggles of Socrates in the first and second books of the *Republic*: is morality merely the assumption of power by the stronger; or is it a code necessary for the weak if they are to protect themselves; or is it merely a way of acting to which we conform for fear of popular disapproval if we are found to be

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departing from it? At last Socrates was driven to the desperate extremity of arguing that the truly good man—though he be misunderstood, defamed, persecuted, even deprived of livelihood and tortured—was happy beside the evil man, though the wickedness of the corrupt man might not be discovered, and though he might receive from his fellows all the honors and perquisites of virtue. Triumph in this argument is a tribute to Socrates' dialectic skill or to the partiality of Plato as the reporter; but at best it is only a half-triumph, for it turns virtue into a mere road to personal happiness. And the question hovers near: are virtues good because they give happiness or do they bring happiness because they are good? Plato, of course, must choose the latter alternative.

This is in no way different from the present situation. The Greek State during the life of Plato was already undergoing disintegration. It was a society in which the practice of the virtues which Plato and Socrates admired was not the road to success. Similarly, the virtues praised by our moralists (like brotherly love, truthfulness, forbearance, self-sacrifice) are not the most efficient equipment with which to compete with rugged individualists—at least they are hardly the outstanding traits of those who have succeeded in our society. Socrates at first tried to overcome this difficulty by making real happiness a sort of peace of mind in some wholly personal and private sense. Christianity retains the justification of virtue through happiness by transplanting happiness to a future life where the weakness of its remote pull is compensated for by emphasis on intensity and duration. With the decline in belief in the supernatural there is an increasing demand that happiness be attainable here and now. Few persons will wholeheartedly accept the cold doctrine that the good life and the happy life in this world have nothing to do with each other and that the former, even when divorced from the latter, is always superior.

We are, then, ourselves in the dilemma of the Platonic Socrates. If we yield to the pressure of the sanctions surrounding personal and immediate happiness we must revise our virtues in

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accordance with that aim, and these virtues then become somewhat sordid. If we believe there are more important values in human character we must with Socrates seek some other basis of justification. Under the pretense of drawing a large-scale picture before examining details, Socrates sets himself to developing the concept of a planned society. However, the republic he sketches is no utopian ideal but is intended as a pattern for human association—and some pattern is essential if human beings are to obtain the maximum of benefits that association makes possible. We may be critical of the form which the pattern took, for there are obvious mistakes in what Socrates assumes as knowledge, and there are certain limitations in the form which were natural to a Greek of the fourth century B.C. No such attempt can attain perfection. The interesting point for us is that when the picture is drawn, virtues are justified on the ground that they are essential to the operation of rationally organized society. The guardians must be wise, the soldiers brave and the workers self-restrained, and each must fulfil his proper function if social justice is to be realized. What is proved, then, is that the virtues are good as promoting the rational end; and since there is this harmony between virtues and the social order the normal processes of social life condition, as well as reward, their development.

For the modern world it would be neither appropriate nor wise to attempt to construct a complete blueprint of a rational social order. But the problem for Plato, as for us, is not so much to discover virtues as to justify those known as making for a better life. If they do not appear to do so, then either we are mistaken in taking them for virtues or else we are living in a world so badly organized that the virtuous life is impossible in it. Now it is contrary to all intellectual integrity to remain in this impasse. Either we must follow Plato and seek to contribute to the remaking of society, or we must abandon the ideal of socially-valid conduct and lend our sanctions to the opportunism that makes for immediate and temporary success.

In other words, whether we like it or not, ethics has become

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the militant front of the social sciences—a front based on an evaluation of the analyses they are making and aimed at the realization of a better life. It is caught in that social movement to which we referred above, and at a time when a critical change is imminent. The apparent stability of periods of gradual change may permit daydreaming but periods of crisis do not. From an ethical point of view the 19th century was stable, for its great changes were made within a framework only superficially modified as business and banking grew in magnitude and changed in organization. But today the feasibility of that very framework is in question. Felix Cohen writes in the preface to his *Ethical Systems and Legal Ideals*:

> Our moralists have abandoned the sovereignty which Greek and medieval moralists once exercised over the really improved realms of human conduct, the realms of art, thought, industry, the distribution of economic and political powers, friendship and war. Our moralists speak only of petty things, of lying, stealing, and murdering in their retail forms, of barren desires, of ugly manner. It would not be unfair to say no avowed ethical philosopher in the last one hundred years has made a single fundamental criticism of the established institutions of modern society.

How can such shrunken moralists build in the tortured and propagandized world of today the moral stamina to hold fast to the freedom and standards of living that are requisite to the realization of moral progress, and guide us amongst conflicting programs of action to espouse those that make for a society more capable than this of integrating the practical problems of living with the conditions for the improvement of human character? Such wisdom should be based on long reflection on the social basis of morals—reflection that I fear is lacking. In lieu of this the mouthing of inane slogans may become a powerful weapon for those seeking their own immediate interests. The prospect is not bright.

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FORGOTTEN HOUR

HUMBERT WOLFE

I

It is quiet, lonely, but not forsaken
the hour that we must forget.
Some day, when the birds waken
and the grass with dew is wet
we shall suddenly be aware,
fainter than remembered scent,
of the beauty we did forswear—
unspoiled, unspent.

II

Then, without knowing
or even guessing
it may be you, it may be I
will be passing

a street-end with the light
wistful and credulous
shining as on that night
it shone for us;

and we two had said goodbye
to what we have known
will without guessing why
not be alone.

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III

We are tired of the old fables and we have outgrown
(we believe) the simple passion, and the obvious pain
of Oenone on the flowered hillside, waiting alone
between the narcissus for Paris, who will not come again.

Through the narcissus in fallen clumps of whiteness
and between the massed bluebells as water tranquil,
the red tulips thrust upward their spears of lightness,
or stretch an arm over the last pale jonquil.

Through the great green trees, ash, elm and the firs
that reach to its frontiers, the mountain uncovers
its cruel impassible beauty, as bright as hers,
as cold as the hearts of all time's lost lovers.

This is a Scottish hill, Oenone. These flowers
grew not on Ida, and the prince Paris is a name
out of a legend of Greece. But the ancient powers
of the old longing and the old sorrow, Oenone, are the same.

It is irretrievable among the tulips. It is lost
under the trees in a Scottish May-time. Pain
returns more inexpiable, because a ghost.
You are left, Oenone, and Paris will not come again.

IV

It's a far cry to Darnley and his Mary
across the centuries. And yet the tale,
though long ago and royal, is ordinary
in all who watch love over life prevail,
in all who, when the midnight skies are starry
with utmost Venus, and a nightingale
cries for all hearts that hers will never vary,
feel in their own the pulse begin to fail.

Here is a cuckoo sounding by the hill

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spring's double fanfare on his trumpet lifted
in salutation to love. O bird be still!
Neither the pain, nor yet the doom, has shifted
since Mary, leaning downward in her snood,
slew Darnley and herself at Holyrood.

V

It was a lover sure who heard Pan cry
the long farewell to kinghood. Being such
of his own pain he knew that all must die
even a god, when love has hurt too much.
Poor Pan! who loved all things that run and fly,
bird, beast and flower, and blessed them with the touch
of his immortal speed, must bid good-bye
because his passion had outsoared his reach.

So when far wood-notes sound, as though he trod
the wild geranium and never crushed her,
as though he stroked the frightened dove and hushed her
with his old charm, 'tis we, and not the god,
who in the instant of utmost love had power
with our own death to bless bird, beast and flower.

VI

The storm-cock can outsing the nightingale
on the high tides of love. It is not so
with human song. For words must always fail
to bare the secret that all lovers know.

It is high afternoon. Over the hill
beyond the lawns and that last striding fir
one lazy cloud leans like a daffodil
whose gilded petals wind will never stir.

There should be storm over the mountain, token
of the wild hope that beats itself to death

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against the lamp in the night and goes unspoken
lost on the wind's inexorable breath.

Sing for us, therefore, storm-cock. Tell the trees
the lawns, the flowers, and that distant hill
that there is passion in the depth of peace
and a heart crying though the voice be still.

VII

There will be roses hereafter. Now the leaves
are all the bushes have of magic. Proud
await in certainty, small sentinels!
An hour will come in deep midsummer eves
when all the garden-border will be loud
with colour, ringing like a peal of bells.
There are no roses for us save primroses
and these must die after the migrant swallow
has dipped the spring upon his wilding feather.
But there's a garden where the heart disposes
blooms that some see or smell, in which Apollo
may toss song's rose where two ghosts walk together.

VIII

There is much need to be strong
when the warm wild waves of regret
beat on the shores of the mind
with the gulls crying, "It is wrong
crying." O who can forget
when the soul is riven apart
when a wandering scent in the air,
when the cry of a bird on the wing,
when a breath of wind from the South
are the poppied deeps of her hair,
and her hands half-opening,
are the breath of her mouth on your mouth.

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IX

There is much need to be strong,
but strength is given to need,
when love is more than desire.
And we, divided, belong
to the children of the creed
whose gift is purgation by fire.
We are as those who have come
out of the sorrows of the Psalms
not into a sculptured peace,
not into life's lovely sum,
but winning the gentle alms
of love's delinquencies.
And though never again my hand
is in her hand and never again
shall we be made one in joy
with the old Grecian we understand
in the attendance of pain
"*οἵ γ' ὠνίναντο κολασόμενοι*"

X

"*οἵ γ' ὠνίναντο κολασόμενοι*"

"These being chastened, thereby benefit."
It is not much to be estranged from joy
if by its very loss, because of it
with the long lights no sorrow can destroy—
those Northern lights of love—our eves are lit,
and like Endymion, the shepherd-boy,
we by the moon's cold grace enthronéd sit.
I can scarce see the hillside. The last thrush
has into silence sunk. The flowers breathe
hardly upon the air. Life like a wreath
I cast upon a tombstone in the hush,
knowing, O love! that on the darkest nights
there will arise and shine your Northern Lights.

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"The British Home Office has reported to Parliament that the 11,000 German immigrants who have entered Great Britain have provided work for 15,000 workers."

Recent Strangers Within Our Gates

A Contribution to the Psychology of Cultural Conflict

GERHART SAENGER

THE recent influx of German-Jewish refugees offers an excellent opportunity to study the problem of social readjustment in one of its most complex aspects. The present wave of immigration from Europe differs significantly from previous waves in the background and homogeneity of the emigrating group. Most of the former émigrés were farmers, laborers and occasionally small tradesmen; the present group is in large measure made up of members of the middle class—professional men and artists, businessmen, skilled workers and craftsmen. Practically the only elements not significantly represented are the farmer and the laborer. The age of the present group, a great proportion of whom have already spent a considerable part of their lives in a vocation in which they have been more or less successful, is relatively greater than that of earlier groups, and its previous socio-economic status higher.[1]

The immigrants of previous years, who were younger and had not yet become settled in any particular vocation, were naturally more willing to accept any kind of job open to them and more capable of doing varied types of work than those who for a longer portion of their lives have worked in only one field and who originally never planned to leave it. The immigrant, moreover, who has been accustomed to lower economic standards abroad expects, and reasonably, to remain either at the same economic level or to advance to a higher one; whereas

[1] The term "previous groups" refers to immigrants arriving after the American Civil War. Although prior to that time there were many immigrants from a similar socio-economic background, the predominantly agricultural nature of this country at that time, the open frontier and the less pronounced class structure invalidate any comparisons that might be drawn between today's refugees and the men and women who reached this country before 1861.

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the migrant who has been used to a relatively higher standard cannot maintain it in this country, particularly if his arrival coincides with a period of depression. Whether or not he realizes this fact, it increases his difficulties in adjusting himself to American life. The middle-aged, unemployed businessman who is forced to do housework or to become a dresshanger will suffer even if he is native born. And often the refugee has not anticipated a change of vocation. Instead he has hoped that a long and successful career in one type of work in the old country will help him to secure a job in his own field.

The immigrant of earlier days for the most part left his native land voluntarily; today's has left under pressure. The earlier immigrant was optimistic, opportunistic, expected something better than he left behind. Today's refugee is in many cases not optimistic and he does not expect to be economically better off than in his old country, where usually he was in comparatively comfortable circumstances. He is downtrodden and bitter; he often looks only for a chance to survive. Nevertheless, though he does not expect to better himself materially, he looks forward to a new and free existence; the ideal of democracy has real meaning for him and he is generally eager to appreciate what this country has to offer him. One might, on first thought, believe that his attitude toward America, his moderate expectations, his cultural attainments and his vocational training would make the problem of adjustment easy.

Frequently, however, just the opposite is true. The refugee arrives only after he has gone through experiences perhaps unparalleled in the history of modern mankind. His security as well as his belief in the values he had always considered fundamental have been undermined. Only his education and his former social status are left as bases for self-respect and emotional balance. He tends in addition to consider himself a remnant of a culture lost in a new, hostile and chaotic world, the world of National Socialism. He argues that everything can be taken from him except the personality he was and still is. When he reaches America he makes a new discovery. He is no longer

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the well-educated Mr. Smith, an honored member of his community, but "immigrant X." As such he is one of a great mass and falls into the category of "immigrant" or "refugee"—words which for many Americans have always had a slightly derogatory connotation. An immigrant is, more or less consciously, often considered an inferior being for whom any kind of work is good enough.

The psychological significance of this experience for the immigrant is evident. While his emotional security, whatever of it may have survived the years of suppression, is built to a large extent upon his past social position, it is just this which is no longer valid in the eyes of the native Americans he meets. Moreover the American, noticing the refugee's emphasis upon the past and unable, naturally, to understand the emotional reason for it, easily becomes annoyed with the tendency to dwell on happier days. What is to the refugee preservation of tradition seems weakness and unrealistic behavior to the American.

The emotional compulsion to cling to the past, added to the refugee's honest conviction that it is best to continue in the old vocation, makes for an attempt to persist in it. Sometimes there is an added belief, particularly in the academic professions, that in disseminating the knowledge of the past a debt of gratitude to the new homeland will be repaid. But partly because of the present unemployment situation, partly because of a difference in business practices, the refugee is in many if not most cases unable to continue in his old occupation. And when he has to change he loses, from his point of view, his last tie with the cherished and by this time often-glorified past in which he was the secure businessman or doctor, respected by the community where he and his ancestors may have lived for centuries. His accumulated anxiety, his fear of a future that demands an adjustment not only to a new country but also to a new vocation, frequently produce a conviction of inferiority; in his effort to get a foothold in this new and strange world he may become highstrung and aggressive. Moreover the immigrant, viewing American society from a point of view which lays great emphasis upon an intellectual and professional back-

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ground, is astonished not to receive the respect he believes he deserves, and may express his contempt for people who, from an American point of view, are his equals or superiors. The native American, unable to understand the origin of what must seem to him strange and unwarranted behavior, interprets it as characteristic of the German-Jewish immigrant.

The refugee thus finds his difficulties still further aggravated, and in meeting his troubles (which for him are not at all a consequence of his own actions) he frequently becomes embittered, reluctant to make the essential adjustments, liable to develop a negative attitude toward his new environment. Unable to see the situation clearly, he first projects his despair and the difficulties he faces into his environment and then blames them on it. All this has its counterpart in the attitude of the unemployed American. The worker who loses his job through no fault of his own will not lay the blame on an abstract concept such as the business cycle or seasonal fluctuations. He will instead seek a person or a group upon whom he can place the responsibility for his fate and will develop a hatred for economic royalists or labor unions, President Roosevelt or Henry Ford. But the average American, who sees only the immigrant's reaction, is righteously indignant at his seeming ingratitude. He has often read about the immigrant and about how America offered a refuge for many, thus saving them from ruin or certain death. The émigré is in almost all cases genuinely appreciative of America, but it is hard for him to be grateful and considerate of his new neighbors if he has a persistent feeling they do not understand his problems.

Added to these failures in mutual understanding, which are a direct outcome of the complexity of the situation, are the further difficulties arising from the dissimilar cultural structures of the two groups. In Germany, as in most European countries, social prestige is to a large extent determined by a man's profession. Not only is a change in vocation ordinarily looked upon as a sign of instability; to every vocation is attached a definite prestige value. The academician looks down on the businessman; the clerk occupies a position above the manual

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laborer; the civil service worker is in a category above the employee of a private firm. Since the refugee's emotional security and self-respect rest to a large degree on his former vocation and the prestige attached to it, he is the victim of a definite emotional blocking if in America he must change to an occupation which for him is less endowed with prestige—if, for instance, he must shift from civil service to private employment or from the academic to the business world. While differences in prestige value may be found in this country, particularly outside New York, they are more sharply accentuated in Germany. Moreover, when the refugee reaches this country such gradations in prestige may, because of a forced change in the character of the only work he can find to do, operate against him for the first time in his life. The American is at an utter loss to understand the émigré's tenacious clinging to the old occupation, even in cases where a change would actually be advantageous; and he often labels his attitude as stupid, unrealistic and the result of false pride. The immigrant himself often fails completely to recognize his own seemingly unreasonable opposition to certain vocations, and in a process of rationalization invents a whole series of irrelevant reasons to support his attitude.

In business procedure, also, there are wide divergences in practice and outlook which early become apparent—in such a seemingly trivial matter, for example, as the formalities connected with finding a job. The German believes in testimonials and recommendations, and reports at length on those positions which he has held, whereas all that the American wants is a brief statement of what the applicant can do. Besides this, the refugee usually misunderstands the polite American method of refusal: "I do not have anything at this moment; come back in a week," or simply, "Call again." To the German refugee this is almost a promise of future employment. He is therefore disappointed, and may easily express his anger, to find on his next visit that there is no opening for him. Needless to say, the American businessman does not understand the reaction of the immigrant either and resents it as "aggressive and obstinate."

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Other frictions have grown out of ignorance of American wages and working conditions. Through the cooperation of labor unions, employers and the societies set up to aid refugees, all of which now educate the job-seeking émigré, this source of trouble has largely been eliminated; but in the past there have been individual cases in which immigrants, uninformed about existing labor conditions, have underbid union wages. On the other hand many employers have taken the attitude that an immigrant cannot fully replace an American, or that they are justified in paying lower wages to refugees because it is an act of benevolence to hire them. In other cases individual employers have taken advantage of the ignorance and economic distress of the émigré to pay him a salary at far below the union rates. Often the newcomer has actually been afraid to join a union—an attitude springing from his middle-class ideology and from his previous experience in Continental politics.

Once the refugee is employed a new set of complications may bedevil him, his fellow workers and his employer, for the man who formerly directed a group of workers may find it hard to accept orders from others. No psychologically-trained person will ever be astonished that the immigrant (and the same holds true of an American in a similar situation) often demonstrates a seeming inability to take orders or advice or that he believes "he knows how to do it better." This attitude, so often criticized as typical of immigrant behavior, is in reality only a common form of self-assertion, of protest against a decline in social position and of reaction against the frustration of a former freedom to direct and supervise one's own work. In time most refugees overcome difficulties of this character; nevertheless there have been severe cases of maladjustment to the new situation (exhibited in such various neurotic reactions as undue fatigue, nervous strain, inhibitions and inability to work).

Still other problems grow out of alterations in family relationships. Germany, more than America, has preserved the traditional authoritarian family pattern, with the husband the supporter and responsible head of the family. But it is often

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the wife who first finds work here (for instance in household positions, which are to a great extent shunned by the native American white woman) and who therefore maintains the husband. The man in many cases feels humiliated and develops a serious inferiority complex. He strives to maintain his position of dominance in the family while at the same time he feels he has no right to do so. The wife on the other hand, who has to continue to care for her family, must not only adjust herself to a new occupation. She must maintain the morale of a husband, whose nervous irritation robs her of needed rest.

In many cases adjustment difficulties, whether real or of an imaginary nature, arise out of a disturbed parent-child relationship; for a child, particularly if he attends an American school, adapts himself more quickly to American life than his parents and does not understand why they cling to old customs which for him soon become meaningless. This is not true of adolescent children who may also find it difficult to adjust.

A peculiar problem in family relationships is created when a son or daughter, of anywhere from 16 to 30 years old, emigrates before the parents and later sends for them. When the father and mother attempt to reestablish a home conducted in the German way, when they try to force the now-independent child to speak German more frequently than before, they arrest or at least delay the process of Americanization. And it is as difficult for the child who has lived alone for a considerable length of time to accept parental authority as it is for the parents to accept the advice of the son or daughter—who is really more experienced in the ways of the new environment and has a better knowledge of its culture. But usually, although these disturbances cause considerable damage to family relationships, they do not lead to open strain or a rupture of family ties. The educated German, though he suffers from the estrangement, does not try, like former immigrant groups, to prevent the Americanization of his child.

To the German the home is of relatively greater importance than to the American, and this difference in the two cultures is

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sometimes a source of conflict. Far more than the American the German spends his leisure time in his home and builds his social life around it. Its location is also of greater importance to him, for the cities in which he has lived are constructed along class lines more definitely than American cities. To a larger extent than to the American, therefore, the section of the city in which he lives has stood as a symbol of social position. The middle-class German would rather deprive himself of food and similar necessities than move out of a desirable neighborhood. He had always felt, also, that he must invite his friends to his home and offer them refreshments, even at the expense of his luncheon money for the following day. These convictions he brings with him to America, where he economizes on food and other essentials in order to live in quarters which he considers *standesgemäss* (socially adequate). If he is entirely unable to live in a place he considers suitable he is depressed, feels himself an outcast and in many cases refuses to invite his friends to his house since he cannot accommodate them in the "right" way. To the American, who can see only the fact and not the reason behind it, the refugee pretends, lives above his income, fails to adjust, believes himself superior to what he really is.

Similar maladjustments are produced by something as seemingly remote as differences in the types of social legislation in Germany and this country. Germany has a system of compulsory medical insurance for the lower-income groups, with the fees paid partly by the employer and partly by the employee. The German, therefore, when he enters a clinic or a hospital thinks he does so of right and behaves accordingly. If he is told that in the United States he accepts charity he is so disturbed he may refuse to go to a doctor, even when it is imperative, for he is not accustomed to accepting charity. He has the same reaction to social agencies. The refugee, who for the most part has come from a middle-class and completely independent family, resents the agency which takes care of him. Ashamed of himself, he may cover up his dependence and insecurity by aggressiveness. Moreover, as a thorough individualist, he often

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looks upon the advice of the agency's social worker as an intrusion and may refuse good suggestions which he would willingly accept from friends. Those, however, who in Europe had had contact with a social agency think it owes them support since in Germany unemployment insurance is collected from wages and is therefore not a form of charity.

Still other problems of adjustment are social in nature. The American middle class is accustomed to think of people in terms of what they are rather than in terms of what they were. This is particularly true of those of its members who have fallen prey to the belief that all aliens, certainly all immigrants, are of an inferior order. The refugee himself naturally takes a different attitude, one exceedingly well described in *Tovaritch.* In this play the two exiled Russian aristocrats, servants in the house of a wealthy French banker, consider themselves vastly superior to their employer. They will remain aristocrats so long as they live, and they think none of their social acquaintances their equals who do not conform to the standards of their own past. This attitude holds true for the refugee from Germany also. He may even express his opinions more or less openly and thus offend many well-meaning Americans.

The émigré is usually unable, moreover, to mix with the type of people whom he knew abroad. The teacher or doctor or businessman from Germany has no opportunity to know or even meet the same privileged group he used to see on the other side (the same was true of the Polish immigrant in Germany in 1918); and since he is instead thrown with less well-educated people he concludes that Americans have a schooling inferior to that of the Germans. He meets the girl who is mostly interested in drinking, parties and dancing and decides the American girl is frivolous and superficial; his friends' main entertainment is the movie-house or football game and he imagines that almost all Americans prefer these spare-time activities to books and concerts. And since in many cases the refugee did not know the less-educated, less well-to-do classes in Germany he leaves them out of consideration in making his comparisons. Those

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who find work in the lower-paid positions ordinarily meet only Americans from the lower-middle or working class. Or the newcomer meets Americans who, because they have been unable to adjust themselves to their environment, take to the refugee to offset their own feelings of inferiority—and in the belief that the refugee will accept every American, *qua* American.

The consequences are obvious. The refugee learns about American culture from persons who do not represent it. He becomes acquainted with the bad rather than the good aspects of America; learns to speak slang rather than correct English; acquires sloppy instead of good manners. The average middle-class American sees the result and condemns it. No one can blame him, except for his failure to understand that lack of contact with real Americanism has produced the results he dislikes.

The refugee, thrust into a culture new to him, reacts according to another common human pattern. Ignorant as to what American culture really is, he generalizes from his personal experiences. In so doing he does not behave very differently from many Americans travelling through Europe who assume the behavior of railroad employees, customhouse officers and waiters in restaurants to be representative of European culture. There is this difference: that such a false generalization harms the immigrant who settles down in a new environment whereas it does not hurt the casual traveller. But out of all this the educated European refugee pieces together an altogether false image of America and the American. His ideas, if he gives voice to them, are resented and he himelf is called arrogant and highbrow. If he points to seeming differences in cultural levels he may be asked "why don't you go back to where you came from?" He is not helped to understand why his conclusions are invalid, for few Americans are able to analyze his attitudes and beliefs —a mixture of false impressions with the trauma inflicted by a decline in social prestige. Whenever such an analysis has been made it has proved of great mutual benefit to émigré and American citizen alike; and the work the National Refugee Service and the American Friends' Service Committee have done in es-

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tablishing courses in American culture and in bringing Americans and refugees together at informal social gatherings has gone far both to correct the erroneous beliefs of the newcomer and to eliminate much of the ill-feeling between the two groups.

Unfortunately there are instances in which it is almost too late to repair the harm already done. The immigrant, feeling rejected by the Americans whom he considers his equals and misunderstood by those whom he meets nolens-volens (and really disrespects), turns to his own crowd. Here he is still the prestige-endowed person he was in the old country; here people speak his language, understand his problems, cherish the same values. But this accumulation of "aliens" in one neighborhood (and every successive wave of immigration to the States has witnessed a similar huddling together) impedes a rapid assimilation and creates resentment toward the immigrant "who sticks to himself and does not want to mix and find out how people live here." This clustering is unfortunate; but it prevents complete isolation and a consequent nervous breakdown. Research into many nationally-different immigrant groups in the past has also demonstrated that if a club for immigrants plans its educational program carefully, and arranges contacts which the individual member finds himself unable to establish, it becomes a center for gradual assimilation.

There is another type of outside pressure, a corollary of the cultural difference between the United States and Germany, which isolates the newcomer and drives him into the companionship of his own group. The German Jew before 1933 considered himself in all respects a German; he was Jewish in religion only. The difference between Jew and Gentile was of about the same importance as the difference between a Baptist and a Methodist in present-day America. The Nazi establishment of the Ghetto created the distinction: German—or Jew. Immigration thus becomes, in the mind of the German Jew, an escape from the Ghetto. On his arrival in America, however, he discovers, particularly in New York and in other regions having a high percentage of Jews, that here too his religion is made a

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basis for attack and discrimination in many walks of life; and his accumulated anxiety finds no outlet. Fearing he will not be allowed to remain here or to become a part of his new home he becomes oversensitive, convinced his persecution will never end.

His anxiety is aggravated by the discussions of the refugee problem in the daily news. Despite the fact that in the last decade immigration has reached its lowest point since 1820-30 the impression is widespread that competition from an influx of refugees is seriously disturbing the labor market. Research on this problem has been undertaken in both the United States and England. The investigation in this country is not yet completed but an English finding can appropriately be cited since our own investigation will probably lead to a very similar discovery: The British Home Office has reported to Parliament that the 11,000 German immigrants who have entered Great Britain have provided work for 15,000 workers. Seldom in history has such a notable group emigrated. Yet the refugee to this country feels he is identified with the lowest rather than with the highest of his group, with those who are considered a burden rather than an asset. If he finds a job he is a competitor; if he remains unemployed he is a potential burden to the community.[2] When he follows the discussions in our papers and experiences anti-alienism personally he feels he is "not wanted." His tendency to stick to his own kind is heightened, while an emotional blocking is added to the very real difficulties involved in adjustment.

But the calibre of the émigrés, their strength of will, their appreciation of democratic ideals—tested in years of endurance—will enable them, despite obstacles, to solve the problem of assimilation into the life of the country. Many have already solved it—some to the extent that they are no longer thought of when we mention the refugee. If intelligence is used the process should not take the two generations needed in previous periods of immigration. But neither refugees nor Americans can work out the problem by themselves; it can be solved only by cooperation and a joint recognition of difficulties.

[2] The law provides that if immigrants are not cared for by relatives or private agencies they shall be deported.

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"Instead of conceiving of an art department as a cooperative unit successful in proportion to its harmony and peace, conceive it as a non-cooperative aggregate of individuals successful precisely in proportion to its conflict of ideals."

How to Fit Universities for Artists

STEPHEN C. PEPPER

WHY do not universities engage artists to teach art?—engage painters, poets, novelists, composers, dramatists and actors, instead of only or mainly archeologists, philologists, musicologists and historians? Many universities do, of course, in varying degrees and the idea is beginning to be more widely accepted. But this is not true of many of our best universities which set the university standards of the country. Or, if they engage such men in some of their departments dealing with esthetic values, they are opposed to doing so in others. Why? There are many irrelevant (though potent) reasons that rest on university class-room routine but, so far as I can find, there is only one relevant and inherent reason—that artists are artists and not scientists and scholars. Universities are not used to artists. Artists have qualities which are diametrically opposed to the customary tone of a University.

These qualities can be summarized in the term individuality. When we wish to be scornful we term it temperament. A man is said to be temperamental when his individuality gets in our way. For all that we praise the virtues of individuality, as social beings we do not like individuals. They are praiseworthy in other societies but not in our own. Socrates was a great man in Athens, but we should probably follow pretty much the course taken by the Athenians if he were in our University. We have, in fact, and that is precisely why our teaching of art is so often either stiff or sloppy. We can get along easily with stiff or sloppy men—with the first group because they follow conventions and with the second because they do not disturb conventions. Accordingly, we encourage the stiff and the sloppy and we suffer them to remain. The individual, who breaks with

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our conventions, disturbs us, however, and unless we are very watchful of ourselves and keep our minds on the great and peculiar value he possesses we thrust him from our midst.

But, really, does an artist need to be temperamental? If we consider the values of art carefully I think we shall find that he does, for if an artist does not disturb us with his individuality it is either because he has none and is an artist in name only or because he is so exceptionally intelligent and sympathetic as to realize that other persons have as much right to their convictions as he. And even this rare man will probably in his heart believe that his convictions are the best. A creative artist is almost by necessity a dogmatist and, moreover—which constitutes the peculiar difficulty—an unconventional dogmatist.

A conventional "artist" would be an imitator (sometimes called an academician). By definition an imitator is not a creator. While it would be false to say an imitator has no sense of esthetic values, his feeling for these is such that he can add little to an understanding of art that a historian could not give. He is, furthermore, likely to be even more of a dogmatist than is a creative artist or a historian because he lacks the scope of the trained historian and the flexibility of the creative artist. The historian and the creative artist each has a contribution to make. But an imitative artist makes none; in fact, he generally demeans the taste of a community by disparaging the work of contemporary creative artists and by hardening into fixed rules the esthetic ideals of the immediate past. The artist whom we want as a teacher is the creative artist and him only.

But the creative artist is a man who has to make something new. In order that his invention may be esthetically effective (or as we often say, sincere) it must be a natural growth out of the tradition of the past and out of the particular character of the man himself. The task of merging these three factors harmoniously into an achievement requires extraordinary concentration and a constant viewing, in terms of his own particular problem, of everything that comes before the man's attention. Through his brush or his pen the past and the present are to be

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synthesized by his own personality into a new future. If he relaxes at all his work falls to pieces or, worse still, comes out an imitation. In proportion to the intensity of his creation he sees things more and more in the light of his own personality and of his own time and environment passing through that personality. He is more and more assured of the esthetic values of his aims. He becomes proportionately blinded to the values of other men's aims. And when other men seek to impose their aims on him he counters by seeking to impose his aims on them. He becomes an esthetic dogmatist.

This outcome of honest creative effort is almost inevitable. There are a few genuinely creative artists who are also tolerant, but so few that a university cannot count on enough to make up an adequate teaching staff in any art. We do best to face the fact that a department of creative artists is a department of intolerant dogmatists who are incapable of fully appreciating each other's aims and are consequently likely to be uncooperative and even personally hostile to each other.

Accepting that as the problem, how are we to meet it? The common solution, that of having no creative artists in a university, we reject as no solution at all. Another measure, that of placing the artists securely under the dominion of historians of art, is an almost equal failure to meet the problem. If the art historians do not presently drive the obstreperous artists out of the department for the sake of academic peace, or if the artists do not resign of their own volition, preferring starvation to such domination, the life of these two groups in one department, without administrative recognition of the difference in character and interests of the two groups, would be (and repeatedly has been) such mental torture as to deserve the attention of the S.P.C.A.

I believe the way out lies in a complete reversal in this case of the ordinary university conception of a department. Instead of conceiving of an art department as a cooperative unit successful in proportion to its harmony and peace, conceive it as a non-cooperative aggregate of individuals successful precisely

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in proportion to its conflicts of ideals and the vitality of its issues. When an opening for a creative artist occurs a search should be made for the man whose aims are most at variance with those of the other members of the department and who is likely to produce the greatest amount of disturbance among his students and his colleagues.

A corollary of this conception of an art department is the necessity for so relating the members of the department to one another that they cannot injure each other professionally in any of the subtle ways with which men in universities become familiar.

A radical solution of part of this latter problem is to separate the art historians, who deal largely with the social and factual side of the arts, from the critics and creative artists, who are especially intent upon the esthetic values. In this way a history of art department administratively distinct from the various separate art departments would be created. This solution is most commonly advocated in the interests of the esthetic values, but I once heard an eminent historian of art advocate it in the interests of history. It is an extreme measure, however, and presents serious practical as well as theoretical objections. But if this is the only way of saving the creative artists for a university it should be adopted. One thing is essential: the creative artists should have some degree of administrative separation, even if it is simply a segregation of their courses as a group within a department, so as to publish to the university the fact that their interests are distinct and that an art historian is not ordinarily representative of them.

For simplicity of exposition let us assume the radical separation of a department of the history of art from a department of art, the latter consisting only of creative artists and critics. The historians will now be administratively incapable of dominating the artists. The next problem is that of seeing that the artists do not dominate each other. As constitutional dogmatists no one of them, obviously, should be made a permanent chairman of his department. He would have too much power to mis-

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represent his colleagues to the administration and he would be too likely to try to turn his department into a docile academy of faithful followers. For similar reasons no artist should be given a course that is an essential prerequisite to the course of another artist. The department should be conceived not on the customary pyramidal scheme of layers of courses with piled-up prerequisites, but on a fanlike scheme of courses opening and spreading from a common center. The degree of cultural attainment of a student would be considered not in terms of the height to which he has climbed the pyramid, but in terms of the extent to which he has opened the fan for himself.

As a means of meeting the various difficulties, and also of increasing the individualistic efficiency of the department, the studio or workshop or sanctum system seems most feasible. Let each artist have his own studio or workshop or office. That is his private domain for instruction and no other faculty member has a right in there, even for storage of books or equipment. This physical privacy of the artist and his students is essential to the plan, and infringement upon it is almost certain to reduce its efficacy.

He is furthermore at liberty to treat the interior of his sanctum in any way that conforms to the comfort of his individuality. There is no reason why his office should have to look like a business office or a school room. If he is left undisturbed in it long enough without interference from the Janitor or the Superintendent of Buildings and Grounds, it will soon take on an appearance characteristic of the artist himself, and no doubt strange in the opinion of the faculty at large. This result itself has an educative value.

This room is the meeting ground of the artist and those students under his particular charge. If he is a painter or sculptor he may wish his room to be a studio or workshop where the students are at liberty to come and do their work, each with his own space for easel or bench. If he is a musician or writer he will use the room mainly for purposes of conference and criticism. It is not the artist's private studio or study. That

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would defeat the purpose. But it is his private space for instruction and for as much work of his own as he cares to perform there so that the students may learn how to work by seeing him work. His handling of the students should be entirely a matter between him and them. Some artists are martinets and like to do things by dates and instalments. Others are free and easy and work best and instruct best with a minimum of restriction. Let each artist work out his own ways.

The room would inevitably take on some of the characteristics of a professional club room and a great deal of the instruction would be carried on among the students themselves. This is not a Utopian idea. In the graduate schools of our universities as at present organized the departmental libraries and study rooms have just the effect mentioned and a large part of graduate instruction goes on in these rooms between student and student. The present plan is simply to make deliberate use of this method of instruction; to offer it to serious undergraduates as well as to graduates and give it the added impetus of guidance under a creative artist. There would furthermore be the stimulus afforded by the existence of a number of these clubs working side by side with different and conflicting esthetic ideals. Since these class groups would be kept physically and administratively separate, one of them could never impose upon another but each would continually prod the others to vigorous effort and defense of their esthetic aims. In a word, individuality and conflict and the heat of loyalty to personal ideals would be utilized to increase the efficiency and enthusiasm of instruction rather than wasted and allowed to wear itself down in vain attempts at cooperation. The individualities of the artists and the intensities of their convictions would become an asset in education (as they should be) and not a liability.

But how can such a scheme be practically adapted to the present organization of the ordinary American university? Let us work the idea out sketchily in terms of one department (say a department of painting) and in relation to a typical university thoroughly addicted to the unit-credit system.

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Let us think of the department as composed only of creative painters and of critics, both in a somewhat different way wholeheartedly interested in the esthetic values of painting. Let us say the department consists of five creative painters and two critics. Let us then have two freshman courses which would be prerequisites to all other courses in the department. They would be the only prerequisites, and they would be taught in sections by the whole staff. One, in which all the painters would give instruction, would be a general introductory course in the technique of painting, in which the students would learn in an elementary way how to handle a few of the principal materials of painting, how to see things with the artist's eye for design and discriminating representation, and how to make the hand obey the eye and brain. The precise content of the course makes much less difference than is usually believed. If each painter taught his section in a different way no great harm would be done, though an attempt should be made to see that this introductory course is as uniform as possible. The artists here might try hard to cooperate.

The other introductory course would be a critical survey, with lectures and slides, of ancient and contemporary art and would be divided between the two critics. There is no danger that this survey would trespass upon the domain of the historians of art. The historians would probably be scornful of it on account of its "arbitrary" selections and its lack of historical sense. Just because of this difference in approach, all advanced students in art should be required before graduation to take a certain number of courses in the history of art as given by the history of art department.

Superimposed on these two big introductory courses would be a number of regular courses given by the critics, and possibly by the creative painters also, on special problems of technique and esthetic analysis and judgment. They would deal with such subjects as fresco and tempera techniques, the theory of form and color in abstract painting, modes of representation, the use of the third dimension in painting, the theory and his-

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tory of criticism in painting, etc. These courses would create no academic problem. They could be given unit and grade credits just like courses in economics or botany.

But there would remain the five studio courses, which constitute the vital core of the department of painting. How can they be fitted in? It would be best if the student were not graded in them and if provision were made in the university for a certain number of pass credits. A student could then be failed for inadequate work; but if in the painter's judgment a student were making satisfactory progress his retention in the course with unit credits would be the sole reward. The painter's criticisms of a student's work would be sufficient stimulus for serious students and a student who was not serious would be dropped. Grades have a regimenting force inimical to creative work. Even prizes are of dubious value. If a university must have grades, however, the painters could be instructed to give them as best they can, taking into consideration the length of time the student has worked in a single studio as well as the intrinsic quality of the student's work. Any student who passed the two introductory courses would be eligible to the studio courses. Or, if the department wished to raise the standards of the studio courses a little higher and to guarantee that only competent students entered them, an honors grade in the elementary practice course might be required, with the student who failed to make an honors grade given the privilege of repeating the course.

The ordinary liberal arts requirements in a university guarantee that a student will not concentrate too intensively in the studio courses and that he will simultaneously acquire background in other fields. Probably not more than two studio courses should be taken simultaneously. It would be advisable to require the student majoring in painting to take his work under at least four different artists—at least half a year's work with at least four different artists—before graduation. This would guarantee intimate acquaintance with the ideals and methods of at least four divergent sets of esthetic values. The

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wider the appreciative range of a student, the greater his potential esthetic culture—the fan principle as opposed to the pyramid. For I conceive the function of an art department in a university as cultural, not vocational—not a piling up of technical efficiency but a rich spread of intimate understanding.

If, however, a student finds that his nature is particularly consonant with the aims of one of the artists and that he has perhaps even found his vocation or an absorbing avocation in this direction, opportunity is still left during his college years to study intensively under this artist and to be prepared to continue still more seriously in the same direction after graduation. This would be exactly analogous to opportunities in other parts of the university. Most students electing physics take it to gain an understanding of the world they live in, but there is plenty of opportunity in the undergraduate courses for a student to prepare himself for professional graduate work.

I suggest that this plan is not impractical in the typical American university, and that with proper changes it is just as applicable to departments of music, literature and drama as to a department of painting. But whether this kind of plan is used or another, I believe no very effective instruction will ever be given in the arts until the value of the creative artist's individuality (or, if you will, temperament) is accepted in our universities and provided for as a positive asset, instead of rejected or neutralized as a liability.

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"Justice is not susceptible of quantitative measurement and the unjust conviction of one man is as dangerous as if a thousand were involved."

Time Lag in the Law

Blood-Grouping Tests in the Courts

STEUART HENDERSON BRITT

WHY are American courts of law slow to accept valid scientific principles? Why have certain facts been accepted by scientists but not by lawyers and judges? In 1923 an Illinois court held it was preposterous to believe anyone could tell that a given bullet had been fired from a specific gun and for many years this unfortunate decision delayed the use in Illinois courts of the valuable evidence afforded by forensic ballistics. In 1924 a California court would not recognize the safety of the science of X-ray examinations—a decision which retarded the adoption of the X-ray in judicial proceedings in the California courts.

The blood-grouping test for non-parentage is simply one more example of a scientific finding which has been slow to filter into the legal "consciousness." For many years scientists have known that blood-grouping tests can often prove non-paternity or non-maternity; but only recently have lawyers even considered the use of the tests and apparently only a few scattered courts have understood the principles of blood grouping. If a person denies that he or she is the parent of a certain child the claim may be substantiated by blood-grouping tests.

There are literally thousands of paternity cases in our trial courts every year in which such tests could be employed but are not. New York City alone has well over 1,000 paternity court cases every year. In only ten states, however, have courts here and there ever admitted these tests in evidence. Aside from Wisconsin and New York, where blood-grouping laws have been passed rather recently, there are apparently not over about 100 cases in the entire country where blood-grouping evidence has

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ever been introduced. Only two cases have ever reached a state court of last resort (in South Dakota and California) and in both instances the decision was unfavorable to the use of the tests in the particular case. A United States court has said: "Just when a scientific principle or discovery crosses the line between the experimental and demonstrable stages is difficult to define. Somewhere in this twilight zone the evidential force of the principles must be recognized. . . ." Blood-grouping tests, however, had been validated for years before 1931, the date of the first reported legal proceeding in the United States which involved them. Blood grouping is a very practical procedure, in use in hospitals as a basis for blood transfusions and for the determination of accidentally interchanged babies.

This means that there has been a time lag of many years between the use of the tests in science and in law. Is the fault that of the scientists? Or of the lawyers? Or of both?

Human blood consists of two major constituents: an almost colorless fluid, the plasma; and a large number of elements, microscopic in size (the main bulk of them made up of the red corpuscles) suspended in the plasma. When whole blood or plasma coagulates and the clot contracts, a pale, straw-colored fluid called "serum" remains.

For his work on blood groups and his complete description of the four types of blood Dr. Karl Landsteiner received the Nobel Prize in medicine.[1] Landsteiner demonstrated that the red blood cells contain two "agglutinogens," which he designated by the letters "A" and "B." Any given blood may contain A alone (Group A), B alone (Group B), both A and B (Group AB) or neither A nor B (Group O). The population of the United States is composed of approximately 40 per cent Group A persons, 15 per cent Group B, 5 per cent Group AB and 40 per cent Group O. The distribution is the same for both sexes.

Corresponding to the agglutinogens in the red blood cells

[1] In 1900-01 Dr. Landsteiner described the bases for the classification of the blood groups and in 1909 gave a complete description of the four blood groups.

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Landsteiner postulated two "agglutinins" (which he designated as "a" and "b") in the serum or plasma. When an agglutinogen ("A" or "B") is present in the red blood cells, the agglutinin of the corresponding letter ("a" or "b") is absent in the serum; and when an agglutinogen is absent in the red cells, the corresponding agglutinin is present in the serum. The serum of a person having Group A blood contains the "b" agglutinin but not the "a"; that of a Group B person contains "a" agglutinin but not "b"; that of a Group AB person contains neither "a" nor "b"; while that of a Group O person contains both "a" and "b." In the mixing of two bloods of different groups, agglutinins will act upon the agglutinogens designated with the same letter to cause agglutination or "clumping" of the blood cells. As an example, if the blood of an A person is injected into the veins of a B person, or vice versa, "clumping" of the cells may result. On the other hand, when cells from Group O are added to serum from A, B or AB blood there is no clumping because the Group O blood cells contain no agglutinogen.

In making blood-grouping tests a blood suspension is first prepared by mixing a few drops of blood, from the individual to be tested, with a salt solution. A drop or two of A-serum is placed on one end of a microscope slide and a drop or two of B-serum on the opposite end. One drop of the blood-cell suspension is mixed with the A-serum and another drop of blood suspension is introduced into the B-serum. When there is a positive reaction one can see "clumping" under a magnifying glass or with the naked eye. The reaction usually appears immediately but may require five or ten minutes. If the unknown blood is Group A it will clump with the B-serum but not with the A; if it is Group B it will clump with the A-serum but not with the B; if it is Group AB it will clump with both the A- and B-serum; and if it is Group O it will clump with neither.

The way in which blood groups are inherited has been mathematically predicted from their frequency distributions. When sperm and ovum merge, the resulting cell contains its in-

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dividual set of pairs of chromosomes; each parent has contributed one member of each pair. A man of Group AB produces two types of sperm in approximately equal numbers, one containing unit A and one containing unit B. Similarly a woman of Group AB produces two types of ovum in approximately equal numbers, one containing unit A and one containing unit B. If this man and woman mate it is a matter of even chances whether an A sperm will fertilize a B or an A ovum, and whether a B sperm will fertilize a B or an A ovum. From this mating three groups of offspring are possible—AA, BB, AB (or BA), but not O—and in a ratio of 25 per cent A, 25 per cent B and 50 per cent AB. Again, matings of Group O persons with Group AB persons will produce 50 per cent A type and 50 per cent B type, but not AB or O children. Similar predictions can be made as to every possible combination of matings.

Two laws of heredity governing the blood groups have been confirmed by studies of tens of thousands of families: (1) A person's blood cannot contain agglutinogen A or B unless the agglutinogen is present in the blood of one or both parents; (2) parents of Group O can never have children of Group AB; and parents of Group AB can never have children of Group O.

Suppose Richard Roe is charged with being the father of a certain child and that blood-grouping tests show Roe belongs to Group O, the mother to Group AB and the child to Group AB. If Richard Roe actually were the father of the child such a combination would be impossible. Consequently Roe's innocence of the charge is conclusively established. On the other hand, suppose that John Doe belongs to Group O, the mother to Group AB, and the child to Group A. In this case the accused man cannot be excluded, though this is *not* proof that Doe is the father. But since it might be highly prejudicial to present to the average jury the evidence that Doe falls within the same blood group as the true father, inconclusive results of this sort should be rigidly excluded from evidence in the courtroom.

In 1927 Dr. Landsteiner together with Dr. Philip Levine discovered in the human blood two additional agglutinogens

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which they designated as "M" and "N" and which make it possible to classify human blood into three types (M, N and MN) totally unrelated to the four blood groups just discussed. There are only three types since there is no blood that lacks both M and N. The presence or absence, moreover, of M and N is entirely independent of the presence or absence of A and B. The population of the United States consists of approximately 30 per cent M, 20 per cent N and 50 per cent MN Type blood. A person's blood type, established during the foetal period, does not change during his entire life, and neither does his blood group. There are two laws of inheritance as to M and N: (1) A person's blood cannot contain agglutinogen M or N unless the agglutinogen is present in the blood of one or both parents; (2) a parent of Type M can never have a child of Type N; and a parent of Type N can never have a child of Type M.

Blood-grouping tests can never affirmatively fix parentage on a person but they may exonerate him. The tests will answer "No" or will give no answer at all. And the A-B test and the M-N test are entirely independent of each other. A person suspected of the parentage of a certain child may be excluded by one test when the results of the other have been inconclusive, or he may be exonerated by both, or the results of both may be inconclusive. A man in Buffalo recently claimed that his wife had tricked him into marrying her by pretending he was the father of her baby. He later believed not only that the child was not his own but that it was not even his wife's. Blood tests showed he belonged to Group B, his wife to Group A and the child to Group A. No conclusions, therefore, could be drawn from the A-B tests. M-N tests, however, proved that the wife could not possibly be the mother, for she belonged to Type N and the child to Type M.

There are several types of legal proceedings which may involve the question of blood-grouping tests: civil actions for non-support or for carnal assault, fornication and bastardy proceedings, and criminal prosecutions for rape and seduction. At least

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six objections have been raised to the use of blood-grouping evidence in the courts but each objection is unsound.

The claim has been made that the tests are scientifically inaccurate and are not accepted in the scientific world. On the contrary, national and international authorities in science are in agreement as to the technique, interpretation and application of the tests. There is no living authority of repute who may be cited adversely. It has also been argued that there is an insufficient number of cases of proof, by blood tests, of non-parentage. But the tens of thousands of bloods examined fully corroborate the laws of heredity demonstrated by both the A-B and the M-N tests. The objection has also been raised that the tests are of negative force and application. This is true—the tests do operate in the negative; but this is not a valid objection. Alibi evidence, employed in the courts every day, does not affirmatively fix guilt on an accused person but may exonerate him. It has been said, furthermore, that the tests and their interpretation are not sufficiently obvious for judicial consideration. Yet the use and interpretation of the tests are as obvious to an immunologist as are the use and interpretation of the complex rules of real property law to a lawyer. No two blood experts disagree as to the results of a test, for there are only two possibilities; either "clumping" occurs or it does not occur; there is never a "halfway" response.

A party to a legal proceeding, or a witness, may object to being compelled to furnish the sample of his blood necessary for a test but the objection should not be valid in either criminal or civil cases. A claim to the constitutional privilege of immunity from self-incrimination may be made in criminal cases. Yet, as Mr. Chief Justice Hughes has said in another connection:

> . . . . The prohibition of compelling a man in a criminal court to be witness against himself is a prohibition of the use of physical or moral compulsion to extort communications from him, not an exclusion of his body as evidence when it may be material.

To require a person to give a drop of his blood is a mere trifle compared with what courts consistently require even in civil

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cases. If the flight of a witness is feared he may be put in prison and in some cases may even be denied bail; a plaintiff in a personal injury suit may be compelled to submit to a physical examination and, if he claims paralysis, tests of his sensitiveness to pain may be applied; and within reasonable limits a person may be required to exhibit a wound or a disfigurement of his body to the jury.

Finally, objection to the expense of the tests is without merit. The total cost of A-B tests for three persons (the laboratory of almost any large hospital is equipped to make them) ranges from $9 to $15. If the A-B tests do not result in exclusion, fees for the M-N tests may amount to another $15 to $25. Surely an innocent person, no matter how poor, would prefer to pay a small sum for these tests and for expert testimony rather than support some other person's child indefinitely.

For at least 15 years the results of blood-grouping tests have been offered in evidence in the courts of many European countries, including Germany, Austria, Italy, Denmark and Sweden. As early as 1929 the tests had been applied in over 5,000 court cases in Germany and in over 1,500 cases in Austria. England, with an average of 7,200 bastardy orders per year, was in 1939 considering blood-grouping legislation in the House of Lords. What about American courts?

The first reported application for blood tests in a legal proceeding in the United States was made in 1931 in Pennsylvania. Three later Pennsylvania cases have also involved the question of such tests. In the 1931 case the prosecutrix, an unmarried girl of 17, charged the defendant with fornication and bastardy. In defense of the bastardy charge a pathologist made blood tests which showed that the defendant could not possibly have been the father of the prosecutrix' child. (The defendant was Group O, the mother Group A and the child Group B.) The jury, however, found the defendant guilty and their verdict was upheld by the trial court. Fortunately, on appeal, the county court reversed the decision and granted a new trial. Yet in a fornication and bastardy proceeding in 1934 another Pennsyl-

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vania court would not compel the prosecutrix and her child to give drops of their blood. The court said:

To refuse to allow the case to be tried unless and until the mother consented to the blood test requested would probably result in transferring liability for the child's support to the poor district or some charitable agency. Obviously, such result would be highly improper and unjust. If the court is to exercise the extraordinary power to make an order such as the one sought in the present case and compel obedience thereto, authority for such an act must come from the legislature.

The decision in a 1935 Pennsylvania case, however, was in keeping with the final verdict in the 1931 case. This was an action for desertion and non-support of a wife and minor child. The husband was 42 and his wife 20; the child was born in wedlock, apparently seven months after the marriage. The husband claimed, however, that he had never had intercourse with his wife because he had heard on the evening of their wedding day that she was pregnant. Two physicians testified they had made blood tests of husband, wife and child and that it was impossible for the man to be the father of the child. The court dismissed the case. The fourth Pennsylvania decision, in 1936, was in line with the 1934 decision. The defendant was prosecuted in a municipal court in Philadelphia for fornication and bastardy. His attorney moved for a court order requiring blood-grouping tests of prosecutrix and child but the motion was refused. On appeal the Superior Court held that this was not an abuse of the trial court's discretion:

While . . . such an operation [sic] is not regarded as entailing any serious danger to the health of the patient [sic] it cannot be said that there is no danger for there is always some risk of infection. Until the Legislature finds that blood-grouping tests have attained such scientific standing as to possess probative value as to paternity [sic] . . , the courts have not the power in a criminal case such as this to compel a prosecutrix or other witness to submit her body [sic] for blood tests. . . .

The record is entirely void of proof as to the scientific accuracy of such test. We have only the assertions of counsel in the argument and reference to certain scientific discussions.

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The outcome of a South Dakota case is very significant. The defendant's stepdaughter alleged that he had raped her and that he was the father of her illegitimate child. In October 1931 the trial court refused the defendant's motion to have blood tests taken and the resulting evidence introduced, and he was convicted of second-degree rape. In 1933 the Supreme Court of South Dakota affirmed the conviction, Judge Campbell stating in his opinion that ". . . . it does not sufficiently appear from the record in this case that modern medical science is agreed upon the transmissibility of blood characteristics. . . ." On a rehearing of the case in 1936 Judge Campbell held that although subsequent developments had made evidence as to blood tests admissible in civil cases "whenever paternity is in issue," the blood-grouping evidence was properly excluded at the time the trial occurred:

> We are not at liberty to reverse this case upon the sole consideration of the opinion which we happen in fact to entertain upon the abstract questions hereinbefore discussed and stated. It is our proper function and duty, as an appellate court, to affirm the judgment appealed from, unless we are satisfied that the record as presented in the particular case exhibits reversible error in the court below.

In other words, the defendant's attorney did not get sufficient facts into the record to show the validity of blood grouping as a test for non-paternity.

A recent California case offers probably the most flagrant example of what may happen when a court is blinded to scientific truth by emotional factors. A Russian man, 70 years old, was charged by a Spanish woman with being the father of her four-year-old daughter. In spite of blood-grouping evidence which showed it impossible for the Russian to be the father of this child (defendant and mother both Group O and daughter Group B) the trial court "found" that he was the father. The District Court of Appeals reversed this unfortunate decision but the Supreme Court of California held that "there is ample evidence to support the finding of parentage." The "ample evidence" consisted largely of statements by the mother and friends

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that the Russian had given groceries to her, had paid her nurse, had bought the child presents and had had its picture taken.

Several New York cases have involved blood grouping. In the first, reported in 1934, the plaintiff claimed she had been carnally assaulted by the defendant and as a result had given birth to a child who was about two when litigation was instituted. The defendant denied both charges and moved for an order requiring both the plaintiff and her child to have blood-grouping tests made. Justice Meier Steinbrink of the Supreme Court in Brooklyn granted the motion but the Appellate Division unanimously reversed his decision and denied the motion, stating: "Plaintiff may submit or not to the taking of her own blood, but it plainly determines nothing. She asserts, and no one would gainsay it, that she is the mother of this child." Shortly afterward the Appellate Court also denied motions for reargument and for leave to appeal. The decision set an unfortunate precedent in New York. The same Appellate Court unanimously affirmed an order of filiation and an order denying a motion, made by the Brooklyn Court of Special Sessions, that blood tests be taken. Also, in a filiation proceeding in the Children's Court of Westchester County, an order directing the mother and child (when born) to submit to blood tests was not allowed. The court referred to the decision cited above as authority.

Largely because of the efforts of Assemblyman Charles H. Breitbart the picture in New York was changed in 1935 by the passage of three statutes empowering the courts to order blood-grouping tests in cases in which a question of parentage is in issue. But these statutes did not take account of the fact that when an alleged parent is not excluded by these tests, the court and jury may not recognize the lack of real probative value of this fact and might therefore be prejudiced to decide unjustly against the defendant. Accordingly in 1936 Assemblyman Breitbart secured the enactment of three amendments limiting the use of the results of the tests as evidence to those instances in which an exclusion is obtained. Dr. Alexander S. Wiener, Brooklyn blood specialist, in 1936 reported there had been 15 cases in the

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New York courts in which a particular person was proved not to be the parent of a particular child.

In the last seven years blood tests have also been ordered in a handful of cases in scattered lower courts in Connecticut, Ohio, Maryland, Illinois, Oregon, California and Massachusetts. In some instances the tests were negative as evidence while in others they proved non-parentage. In 1935 Wisconsin enacted exceptionally good blood-test laws which provide for the admission of the results of blood tests "only in cases where definite exclusion is established." Blood-grouping bills have been presented to the California, Illinois, Montana, New Jersey, Ohio, Texas and Minnesota Legislatures and efforts have been made in the same direction in Maryland, Massachusetts, Michigan and Pennsylvania. Only in New Jersey and Ohio (and not until 1939) have the proposed bills been enacted into law.

Several of the courts, as in the 1931 and 1935 Pennsylvania cases cited, are to be commended for their ready acceptance of the principles of blood grouping. Other courts, however, have not only rendered possible injustice. They have even retarded the acceptance and use of scientific findings on bloods for many years, since a wrong decision does not end with itself but is often a precedent for others. Why is there a lag of many years from the time of the validation of scientific findings to their acceptance in courts of law? The answer is at least threefold; inertia of the public, of scientists, of lawyers and of judges.

In the first place the public is indifferent. What percentage of the population is affected by the use or non-use of blood-grouping tests? And if the legal system stands firm, it might be said that the sacrifice of a mere man here and there is negligible. But justice is not susceptible of quantitative measurement and the unjust conviction of one man is as dangerous as if a thousand were involved. The unjust conviction of a thousand men would create a social problem and a solution would be attempted; one, two, three men, victims of injustice, are unfortunately soon forgotten. Equally significant are public conservatism and resistance to change. Old methods of behavior persist not only

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because of veneration for the past but because they represent the line of least resistance.

In the second place the "lag" is due to the inertia of scientists. Scientists are partially at fault in that their material inventions do not always carry with them plans for reorganizing the existing setup of society. The scientist whose work finally leads to an important discovery frequently leaves its application to others. Consequently many findings have to percolate to the surface of attention rather slowly.

The courts, moreover, have so often been filled with the testimony of "experts" who have given highly conflicting statements in all sorts of cases involving everything from handwriting to homicide, from intoxication to insanity, that judges are necessarily cautious. The situation would be improved were the field of science so reorganized that one body of scientists could speak with authority—for example, a group like the Committee on Medico-legal Blood-grouping Tests of the American Medical Association, which has recently been formed. The basic structure of our courts also needs to be modified to employ permanent juries composed of authorities in many fields—physics, chemistry, biology, psychology and the like.

In the third place the "lag" is due to the inertia of lawyers and judges. This inertia may be produced by several factors: the emotional elements in blood-grouping (sex) cases; certain characteristics inherent in the law; our system of legal education; and the mental laziness of certain lawyers and judges.

What are the emotional problems in blood-grouping cases? A decision can easily rest on sympathy for a particular woman or an addiction to the vague symbols "Womanhood" and "Motherhood." Similarly it is difficult for some men to treat any problem which involves sex on other than an emotional and impulsive basis, for sex matters may touch on some inhibition.

Moreover, even when a social problem is recognized, law-making of any sort is necessarily slow, for "Law" stands for a consensus of judgment by juries, courts and legislatures. It takes time for any of these groups to understand a particular situa-

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tion so well that they can "make" new law. Facts must be secured, comparisons made, discussions held, arguments advanced, decisions reached, before "Law" can be formulated.

Our system of legal education is also partially responsible for the lag in the acceptance of scientific findings by lawyers and judges. Too few lawyers and judges have ever had sufficient training in the natural sciences to appreciate the importance of new developments or to utilize new scientific techniques. And even more important, too few have had sufficient training in the social sciences. In the professional school of law, men are not trained primarily to see social problems but rather to study situations which are of the past, and the "rules" of law which apply to them—an emphasis which engenders an attitude of caution and conservatism, particularly in those whose education, except along professional lines, has ceased completely. This does not mean that lawyers should become experts in either the natural or social sciences but simply that a different type of training in the law schools might give them an attitude of inquiry which would be valuable when new social problems arise. Judge Joseph N. Ulman of Baltimore has aptly said that many lawyers, "looking backward for precedent and authority, are blind to the social needs of today and do not see the promise of tomorrow."

Finally, some lawyers and judges may be mentally lazy, or at least unresourceful. In the 1936 Pennsylvania case and in the South Dakota case it is quite apparent that the defendant's counsel failed to get essential facts and expert testimony before the trial court or into the record for the appellate court. It is also obvious that some of the judges involved in the cases cited were not resourceful enough to investigate the value of blood-grouping tests. They were content to pass responsibility on to the legislature (the 1934 and 1936 Pennsylvania cases) or they refused to consider the problem (the three 1934 New York cases).

There is a legal motto, "*Satius est petere fontes quam sectari rivulos.*" ("It is better to seek the source than to follow the streamlets.")

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"Adams was persuaded that capitalism must be superseded by a system of government more in keeping with our scientific centralization."

Brooks Adams, Caustic Cassandra

CHARLES A. MADISON

BROOKS ADAMS is, a dozen years after his death, a truly forgotten man. A test poll of twenty-five college graduates of various ages and interests elicited the fact that less than a third were able to identify him and that only one, a writer on legal history, was familiar with some of his writings. Nor is this surprising. His radical social and economic views had early antagonized the class to which he belonged, and throughout his mature years he was scorned (by those who knew what he stood for) as the last and least worthy of the captious Adams tribe. His books, readily appreciated in England and translated into French, German and Russian were ignored by most of the important American periodicals and disregarded by the leaders of public opinion. Consequently they had few readers. When he died in 1927 his passing received scant public notice. The incisive obituary paragraph in the New York *Nation* and the commendable brief memoir by his friend Worthington Chauncey Ford were the only items to mark the event. The living generation of Americans, on the verge of the economic catastrophe which he more than anyone had clearly foreseen and had tried so valiantly to forestall, knew not the name of Brooks Adams.

Yet this youngest son of Charles Francis Adams was in some essential respects the most original and profound member of our most distinguished family. His contribution to the culture of his time appears the more significant if viewed from the vantage point of his background and personality. With a grandfather and great-grandfather past Presidents of the United States, with his father the extraordinarily capable ambassador to Great Britain during the crucial Civil War period, with the leading men of England and America frequenting his home on

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an intimate basis, Brooks could not but grow up intensely proud of being an Adams. Nor was this empty conceit. He and his brothers more than justified their acute sense of self-importance. In the words of the late Professor Vernon Parrington, "Intellectually curious, given to rationalism, retaining much of the eighteenth-century solidity of intellect and honest realism, refusing to barter principle for the good will of men, the Adams line produced no more characteristic offshoots than came in the fourth generation." But if the reverse of the picture is less attractive it is no less authentic. According to James Russell Lowell "the Adamses have a genius for saying even a gracious thing in an ungracious way." From John down they have indulged in self-dramatization, have placed themselves in leading positions, exaggerated the animus of their opponents and accepted misunderstanding and disapproval with injured hauteur. None of the exceptionally able sons of Charles Francis Adams would stoop to fit himself to the political hurly-burly of the post-Civil War period; dignified, disdainful, dissentient, each sooner or later sought upon Clio's deep bosom the solace needed by their aggrieved vanity.

Brooks was a thoroughbred Adams. Proud of his obviously distinguished lineage although he sometimes derided it, certain of his high intellectual capacities, possessed of an acute social conscience, he was at the same time extremely shy, as much the prig as his brother Henry (both of them, according to the latter, "were used to audiences of one") and readily suspicious of the motives of others. Brought up by a father whose puritanic severity had made the childhood of his sons monotonous and dreary, Brooks remained to the end overserious and zealous for the sanctity of truth and justice. As his brother Henry wrote him in 1910, "I have known you for sixty-odd years, and since you were a baby, I've never known you when you weren't making yourself miserable over the failings of the universe. It has been your amusement, and a very good one."

Like the other Adamses ever since John, Brooks studied at Harvard and became a lawyer. Jealous of his considerably older

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brothers and wishing to make his way unaided, he opened an office for himself and for eight years he waited for a practice which failed to materialize. It was not that he was deficient in his equipment as a lawyer; his knowledge of the law in time became immense and incisive. Nor was it a lack of the will to succeed; the idea of failure was obnoxious to his inflated vanity. He soon perceived, however, that even less than his brothers could he adjust himself to the grasping and unscrupulous ways of his contemporaries. "Brooks," wrote his brother Henry, "irritated too many Boston conventions ever to suit the atmosphere." Before long State Street became to Brooks, even more than to the other Adamses, the symbol of all that was crass and iniquitous. Since he had early inherited from his maternal grandfather enough money to keep him in comfort for the rest of his days he decided in 1881 to close his law offices and to turn his mind, even as his brothers had done, to the study of history.

In 1886, after years of intensive reading and hard thinking, Adams completed his first historical work, *The Emancipation of Massachusetts*. The book aroused considerable controversy and was damned and praised with equal promptitude. It was in truth an iconoclastic examination of our colonial past—the first work in that field to treat persons and events with the factual objectivity of the seasoned scholar rather than with the smug self-satisfaction of the sentimental chronicler. As such it struck a body blow against the carefully-nourished prejudices that pervaded the historical writing of the period. "From that day," Mr. Ford testified, "the filiopietistic school of history was laughed out of court."

If documentary evidence forms the basis of the book, its spirit throbs with a passion for the freedom of the mind. With the unmitigated severity of the crusading prosecutor Adams, who was shocked to find the early history of his native state compounded of intolerance and cruelty, unfolded the horrible record of persecution and repression, of flogging and burning, of greed and cupidity. He had nothing but scorn for a clergy who

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had perverted the Puritan Commonwealth—child of the Reformation and predicated on the assertion of the freedom of the mind—into a "cesspool of iniquity" more intolerable than the one from which they had fled. Nor had he anything to retract when he issued a new edition some thirty years later. He regretted somewhat only the "acrimonious tone" of certain passages. For what he found in early Massachusetts was a duplication of previous periods in history during which the clergy exercised temporal power.

> The power of the priesthood lies in submission to a creed. . . . The horrors of the Inquisition, the Massacre of St. Bartholomew, the atrocities of Laud, the abominations of the Scotch Kirk, the persecution of the Quakers had one object—the enslavement of the mind.

In chapter after chapter Adams relates in factual detail how, in the fanatic pursuit of conformity, the Puritan clergy and elders, basing their criminal code on Pentateuch law, cruelly persecuted Anabaptists, Quakers, witches and religious liberals and turned their parishioners into neurotic censors and vindictive zealots. The leaders are etched in acid. Governor Winthrop, John Cotton, the Mathers—these and numerous others are quoted to their own condemnation as cruel and conceited bigots. Increase Mather is pictured as having "an inordinate love of money and flattery," a preacher who "delighted to blazon himself as Christ's foremost champion in the land." And of Cotton Mather's pious attempts to justify the burning of witches Adams remarks, "It is not credible that an educated and a sane man could ever have honestly believed in the absurd stuff which he produced as evidence of the supernatural." Father and son are quoted at length on their opposition to Leverett's appointment to the presidency of Harvard, and only after reading their epistles to Governor Dudley and their diary notations can one appreciate Adams' pleasure in their discomfiture—"But these venomous priests had tried their fangs upon a resolute and able man. Dudley shook them off like vermin."

Having noted that the dominance and decline of the Puritan

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priesthood followed a fairly common trend in the history of social development, Adams devoted the next decade of his life to the evidence that enabled him to write his most original contribution, *The Law of Civilization and Decay*. In 1893, four years before the volume was actually published, his brother Henry, then his intimate companion, commented in a letter, "Loving paradox, Brooks, with the advantages of ten years' study, had swept away much rubbish in the effort to build up a new line of thought for himself, but he found that no paradox compared with that of daily events. The facts were constantly overrunning his thoughts." And having read the final version of the manuscript, Henry wrote to his brother, "You have struck out of it pretty much all that was personally offensive, and left only generalities which no one need resent . . . all I can say is that, if I wanted to write any book, it would be the one you have written." This last remark, incidentally, should set at rest the common assumption that Henry and not Brooks was the first American to develop as a law of history the theory that "civilization followed the exchanges."

This law is largely based on an intensive study of trade routes and the shifting centers of civilization. It assumes that civilization is the product of social concentration, constantly seeking a new equilibrium and compelled to find it; that it moves always from decentralization to centralization and back again to decentralization. A corollary of the law pertains to the conspicuous roles played by man's two basic drives, fear and greed, during the different periods of civilization.

In the earlier stages of concentration, fear appears to be the channel through which energy finds the readiest outlet; accordingly, in primitive and scattered communities, the imagination is vivid, and the mental types are religious, military, artistic. As consolidation advances, fear yields to greed, and the economic organism tends to supersede the emotional and the martial.

While fear holds sway the sacred caste is the characteristic ruling class; when greed motivates social behavior, supremacy passes to a moneyed oligarchy.

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To prove the validity of this law Adams traces in vivid detail the development of European civilization from the earliest times to the present—and in passing offers pointed illustrations and shrewd observations which even more than the law itself illumine the dark recesses of human nature. He examines the rise and decline of the various centers of population and demonstrates the similarity in each instance in the elements of growth and decay. In our own era, with which the book is most concerned, the fall of Rome initiated a period of decentralization which lasted a thousand years—a millennium during which men were motivated by the fear of the invisible and consequently were dominated by the organized clergy. With the development of trade and science, however, fear gave way to greed and in time resulted in the Reformation, the separation of church and state, and the supremacy of the moneyed classes. England, having gone farthest along the path of concentration, best illustrates this constant flux:

> Gradually energy vented itself more and more freely through these merchants, until they became the ruling power in England, their government lasting from 1688 to 1815. At length they fell through the very brilliancy of their genius. The wealth they amassed so rapidly, accumulated, until it prevailed over all other forms of force, and by so doing raised another variety of man to power. These last were the modern bankers. With the advent of the bankers a profound change came over civilization, for contraction began. Self-interest had from the outset taught the producer that, to prosper, he should deal in wares which tended rather to rise than to fall in value, relatively to corn. The opposite instinct possessed the usurer; he found that he grew rich when money appreciated, or when the borrower had to part with more property to pay his debt when it fell due, than the cash lent him would have brought on the day the obligation was contracted.

Another corollary of the law is the relative character of law itself. "Law is merely the expression of the will of the strongest for the time being, and therefore laws have no fixity, but shift from generation to generation." At each stage of civilization the class in power has always sought to perpetuate itself by means of legislation. When the imagination is vivid and fear holds sway

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over the minds of men, ecclesiastical law prevails. As trade develops and competition sharpens, civil codes are drawn up

> for the enforcement of contracts and the protection of the creditor class. The more society consolidates, the more legislation is controlled by the wealthy, and at length the representatives of the monied class acquire that absolute power once wielded by the Roman pro-consul and now exercised by the modern magistrate.

When *The Law of Civilization and Decay* was published in 1897 the author's views on the then-embittered silver question obscured the great merits of the book. Because Adams advocated bimetallism his work was attacked and deprecated when it was not deliberately ignored. The one important exception was Theodore Roosevelt's extended review in *The Forum*. Although Roosevelt was expected by his friends to demolish the book, and he certainly disapproved strongly of Adams' political and economic radicalism, he was urbane enough to find the volume "a marvel of compressed statement" and a distinguished contribution to the philosophy of history. Although he objected, more or less justifiably, to a number of statements made by the author he readily admitted his scholarly approach and deep sympathy:

> Through the cold impartiality with which he strives to work merely as a recorder of facts, there break through now and then flashes of pent-up wrath and vehement scorn for all that is mean and petty in a purely materialistic, purely capitalistic, civilization.

In *America's Economic Supremacy* and *The New Empire*, collections of essays published in 1900 and 1902 respectively, Brooks Adams pursues his study of the flux of civilization, but with special reference to modern economic concentration and to the sudden emergence of the United States as a world power. Main trade routes are again examined in great detail and their obvious effect upon the flow of social activity is indicated. Adams is here acutely interested in the problem of the transmission of energy from one center of concentration to another. He demonstrates effectively, decades before the appearance of Spengler's

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work on the decline of Western civilization, the constant movement of power and empire from east to west, from south to north, until they have gone half around the earth and have at the turn of the 20th century established themselves in the United States. After considering all the available facts he points out that the centers of concentration have developed in places containing an abundance of food and useful metals and that when these means of wealth are depleted the seat of power migrates to a more suitable location. In this respect he was also among the first to develop the effect of geography on politics. "I am convinced that neither history nor economics can be intelligently studied without a constant reference to the geographical surroundings which have affected different nations."

Having traced the past movement of empire from one center of concentration to another Adams proceeded to analyze economic conditions in Europe during the final quarter of the last century. France he found definitely in eclipse after the war with Prussia, and Germany in his view lacked the resources required for world dominance. Of Russia he was less certain. A vast country, potentially capable of great economic development, it could be impelled in that direction only by the cataclysm of social revolution. In the light of what has actually happened his perspicacity is of special interest—"What a social revolution in Russia would portend transcends human foresight but probably its effect would be felt throughout the world." England, having maintained the seat of wealth and power for more than a century, he believed definitely on the decline. In his opinion Englishmen were exerting less initiative, less energy; were depending too much on the income from their colonies; were indulging themselves to the point of mental inertia. In the United States, on the contrary, the ascending curve of power was clearly evident. In every field of major economic endeavor American enterprise and American wealth dwarfed the efforts of competing countries.

What impressed Adams most about this transfer of "the seat of energy" was the extraordinary velocity of its migration. "A

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change of equilibrium," he pointed out, "has heretofore occupied at least the span of a human lifetime, so that a new generation has gradually become habituated to the novel environment. In this instance the revolution came so suddenly that few realized its presence before it ended." For this reason he regarded the rapid rise of his native land to industrial and business supremacy with grave apprehension. He knew the type of men who headed the gigantic corporations and huge banking establishments and he did not trust them. Aware also that "prosperity had always borne within itself the seeds of its own decay" he could not help fearing that the cupidity of our business leaders would either bring on a social revolution or hasten the migration of economic power from our shores to the next "seat of energy" across the Pacific. "Supremacy," he reflected, "has always entailed its sacrifices as well as its triumphs, and fortune has seldom smiled on those who beside being energetic and industrious, have not been armed, organized, and bold."

The problem of America's destiny perturbed Brooks Adams so acutely that he could not refrain from pondering it for years on end. In an article published in 1910 he writes:

> Within the last decade, step by step and very reluctantly, I have been led to suspect that not only the tranquility of life, but the coherence of society itself, may hinge upon our ability to modify, more or less radically, our method of thinking, and, as I tend toward this conclusion, I look at these questions more seriously. . . . We are abundantly inventive and can create wealth, but we cannot control the energy which we liberate. Why we fail is the problem which perplexes me.

Continuing his study of the greatly-increased velocity of our economic concentration, and being only too familiar with the type of mind of our leading "malefactors of wealth," he was led gradually and unwillingly to the conclusion that, unless we exercised our best intelligence, "the expansion of the social core within would induce an explosion which we call a revolution."

In 1913 he published the result of this cogitation and research in a volume entitled *The Theory of Social Revolutions*. Applying his law of civilization and decay to contemporary condi-

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tions he argues cogently that our present rulers, the capitalists, are incapable of coping with the complex problem of democratic government and must be deprived of their dominant position. His analysis of our modern economic system, to which he devotes a good part of the book, is detailed and incisive, if somewhat oversimplified—as when he insists that our economy is under the complete control of a small group of men concentrated near the tip of Manhattan:

> Since 1871, while the area within which competition is possible has been kept constant by the tariff, capital has accumulated and has been concentrated and volatilized until, within the republic, substantially all prices are fixed by a vast moneyed class. This class, obeying what amounts to being a single volition, has its heart in Wall Street, and pervades every corner of the Union.

Not that Adams condemned this development of monopolies; on the contrary, as an economic scientist he regarded it as a "vital principle of our civilization" which could not be eliminated without undermining our economic system. But he could not abide the predatory capitalists who were exploiting the various monopolies for their own selfish ends.

> The modern capitalist not only thinks in terms of money, but he thinks in terms of money more exclusively than the French aristocrat or lawyer ever thought in terms of caste. . . . He may sell his services to whom he pleases and at what price may suit him, and if by so doing he ruins men and cities, it is nothing to him. He is not responsible, for he is not a trustee for the public.

Brooks Adams' indictment of the capitalist class is thorough and devastating—he sees it as a crass, greedy, unprincipled and unsocial body of men, without vision or the capacity for leadership, clinging desperately and defiantly to the economic power thrust upon them by the sudden and fortuitous change in "the seat of energy." As an example of the capitalist's blindness Adams points to his stupid scorn for the very laws enacted for his safeguard. "In spite of his vulnerability, he is of all citizens the most lawless. He appears to assume that the law will always be

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enforced, when he has need of it, by some special personnel whose duty lies that way, while he may evade the law, when convenient, or bring it into contempt, with impunity." But Adams finds the capitalist's failure to emerge out of his narrow role as the exploiter of money and men, to become a power for good over the nation as a whole, an even more glaring deficiency:

> From the days of William the Conqueror to our own, the great soldier has been, very commonly, a famous statesman also, but I do not now remember, in English or American history, a single capitalist who has earned eminence for comprehensive statesmanship. . . . Certainly, so far as I am aware, no capitalist has ever acquired such influence over his contemporaries, as has been attained with apparent ease by men like Cromwell, Washington, or even Jackson.

Step by step the argument leads to the inevitable conclusion that the capitalist class had, like all the ruling groups in the past, served its social purpose while advancing along the path to power and that, like the earlier ruling groups, it had been "stricken with fatuity" once it reached the crest. Adams avers:

> Privileged classes have seldom the intelligence to protect themselves by adaptation when nature turns against them, and, up to the present moment, the old privileged class in the United States has shown little promise of being an exception to the rule. . . . It is hard to resist the persuasion that unless capital can, in the immediate future, generate an intellectual energy, beyond the sphere of its specialized calling, very much in excess of any intellectual energy of which it has hitherto given promise, and unless it can besides rise to an appreciation of diverse social conditions, as well as to a level of political sagacity, far higher than it has attained within recent years, its relative power in the community must decline.

He has not the slightest doubt, of course, that the capitalist class would neither discover within itself the intelligence and the ability with which to perpetuate its power nor submit peacefully to the group destined to supplant it. He feared therefore that the resulting struggle for power would be as radical and calamitous as all previous similar contests, since "the rise of a new governing class is always synonymous with a social revolution and a redistribution of property."

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Brooks Adams was equally outspoken in his censure of the politico-economic nature of our court system. Long before J. Allen Smith and Charles A. Beard he described the class bias of our Constitution and the special interpretation given it by lawyers elevated by the group in power. In this book he offers a wealth of irrefutable evidence to the effect not only that our federal courts function politically but that their political character had been given them deliberately at the beginning of our national existence. At the time the Constitution was under discussion, he explains, this compromise had seemed the only feasible solution of the impasse between the frail federal republic and the jealous and obstinate states. As a consequence of this adjustment the courts have arrogated to themselves the right to control the political branches of the government. He contends:

> Under the American system the Constitution, or fundamental law, is expounded by judges, and this function which, in essence, is political, has brought precisely that duality of pressure on the bench which it has been the labor of a hundred generations of our ancestors to remove. On the whole the result has been not to elevate politics, but to lower the courts to the political level.

He cites numerous instances, from the case of *Marbury vs. Madison* down, to indicate how often the judiciary has interfered with the will of Congress in favor of a special class; and maintains that a society organized under the modern scientific conditions which have created trusts and monopolies out of the essentials of life cannot indefinitely be "administered under an effete code of law."

> Law is the frame which contains society, as its banks contain a river; and if the flow of a river be increased a thousandfold, the banks must be altered to correspond, or there will be flood overwhelming in proportion to the uncontrollable energy generated. . . . Courts, I need hardly say, cannot control nature, though by trying to do so they may, like the Parliament of Paris, create a friction which shall induce an appalling catastrophe.

Eager to circumvent the danger threatening the country, Adams became wrathful at the thought that those best able to

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save it were instead selfishly bent on maintaining the status quo. Himself a member of a family of lawyers and a profound student of the law, he excoriated the limited and rigid mentality of the legal practitioners who were more interested in benefiting their clients than in upholding the law, and who employed their ingenuity and cunning in behalf of the capitalists bent on aggrandizement. It is this type of lawyer, he argued, who has deliberately turned the Constitution into a fetish (as if it had "some inherent and marvellous virtue by which it can arrest the march of omnipotent Nature") in order to make it a bulwark against the attempts of the people to adapt their economy to changing conditions.

Brooks Adams was preoccupied throughout his mature years with the basic problem of our industrial civilization: how to adjust modern society to the ever-increasing velocity of economic concentration. The more he dug into the origins of our economy, the more he observed its effect upon the mass of mankind, the more he was persuaded that capitalism must be superseded by a system of government more in keeping with our scientific centralization if we are to avoid an internal explosion and maintain our world supremacy. Knowing that every ruling class is struck blind once it has passed the crest of its upward curve, he was full of foreboding. "I am full of gloomy fears," he wrote to Mr. Ford in 1897, the year in which his book *The Law of Civilization and Decay* was published, "I do not know where we are going, nor do I see any light ahead. There seems to me to be no headway on the ship, and that we are going on the rocks. I hope I may be wrong." Further research in the fields of economics and politics only intensified his premonitions, and in *The Theory of Social Revolutions* he exerted his brilliant powers of analysis and generalization, as well as his natural capacity for invective, to make clear to his countrymen the inherent faults of our system of government and their urgent need of a remedy.

It is easy to dismiss his admonitions as the alarms of a dis-

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gruntled pessimist, as some have done, or to decry his indictment of capitalism as an arraignment from a pseudo-socialist. Brooks Adams was neither. He had an extraordinary familiarity with the law and a thorough and profound knowledge of the history of civilization. In addition he was moved in all things by a passion for social justice, by an intense devotion to truth. Motivated in all his writings by an acute puritanic conscience, he propounded his views of civilization, and of our own economy, with the force of utter conviction. If, in his eagerness to generalize and to express himself emphatically, his conclusions were at times too sweeping, his basic assumptions are as valid today as when they were first made. Indeed his original and acute intellect perceived trends and relationships long before they became obvious to his contemporaries. Again, although he was certainly familiar with the works of the leading socialistic writers and although the Marxian theory of history was really, according to his brother Henry, the foundation for Brooks' later historical views, the similarity was only coincidental. He had too keen and unequivocal a mind to absorb the ideas of another uncritically. Politically he was, if anything, "a Jeffersonian Jacksonian Byronian democrat" (to quote the words of his favorite brother) and a passionate admirer of Washington, "the whole man"—in brief, he was a true descendant of the Adamses who had helped build our nation and who had had the courage to prefer truth and honesty to the good will of men. And if his animadversions upon our state of society offended those in power —men who were getting what they could for themselves and let "the public be damned"—with the result that his books went quickly out of print and are today practically unobtainable and unknown, the loss is all the more our own.

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"A Pan-Americanism aimed at molding each of the American countries into a standard shape would lead to a melancholy monotony as well as a failure to stimulate and develop national creativeness and regional originality throughout the Americas."

Social and Political Democracy in America

GILBERTO FREYRE

SHOULD a sentiment for political democracy, or should political democracy itself as an orthodox system of government, be considered fundamental to the cause of better inter-American relations? Is it desirable that inter-American relationships should be made a political issue in the United States, or in any other American nation, in such a way as to become an object of party ideology and propaganda and an almost mystical or evangelical cause intimately associated with certain political personalities both in the United States and in the other American nations?

I am one of those who consider closer inter-American relations a perfectly natural development in continental life and one highly beneficial to the economic and cultural health of the group of nations established as republics on this continent; but not because such nations are republics or political democracies after the model of the United States, the orthodox type of democracy. And I think that as a Brazilian I would never sign a Pan-American declaration in which an identity in the political type of government is considered fundamental to Pan-Americanism. I think Pan-Americanism should not depend upon a uniformity in the political form or the government of the various American nations, and that any intimation of such a dependence implies such a serious restriction of national autonomy as to mean a sacrifice of the healthy individuality of each nation to a conventional and harmful standardization of political forms over the Western Hemisphere.

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Now, political forms should vary with differences in social conditions—which are largely caused, as everyone knows, by differences in historical development and in the social and ethnic composition of each national group. And to posit a single continental form of government as something essential to continental solidarity on fundamental issues seems to me as unreasonable as to prescribe the same wearing apparel or the same standard food for groups living in different climates. History, like geography, has its climates.

Better inter-American relations should develop—and their development might be stimulated, no doubt—more as a process of reciprocity than as one of standardization of social and cultural values, ideals and forms. Why should Paraguay become a new Arkansas, or Venezuela a new Oregon, instead of developing themselves as Paraguay and Venezuela according to their peculiarities of social and ethnic composition and their historical growth? Why should Pan-Americanism mean a severe uniformization of political values and forms rather than a new and vigorous combination of the principle of unity with that of variety; a combination of the type of which the organization of the Roman Catholic Church, at once so strong in its unity and so flexible in its variations, is such a splendid example? Over the American continents a general tendency toward social democracy, a cordial disregard for strict and permanent artificial barriers in human relations, makes for *unity*; it is a continental ideal; it is found everywhere in the history of America; American independence is based upon it in the United States as in Argentina, in Mexico as in Bolivia. But differences in historical development and in the social and ethnic composition of the various American nations make for *variety* when the problem becomes one of political form or of race relations or of immigration policy. A program of absolute uniformity would be dangerous. It would be as unreasonable for an enlightened Brazilian, for instance—if Brazil were at present a very powerful nation—to pretend that his country should impose upon the South of the United States the immediate adoption of the Bra-

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zilian way of dealing with the race problem—which is probably the most democratic, the most Christian and the most American (I mean, of course, American in the continental sense) way of dealing with such a problem—as it would be for an intelligent citizen of the United States to pretend that there should be one, and only one, political form of democracy over all of the two Americas: that of the United States of North America.

A mistake was probably made by Brazil when, largely under the pressure of a false ideal of Pan-American solidarity, it became in its political and administrative system a republic rather than a monarchy. Propagandists of the republic, as the form of government that would bring to Brazil a brilliant era of progress and happiness, said in their emphatic campaign speeches that the Brazilian Empire was "an exotic plant" in the American continent; that it was a disgrace for Brazil to be such an "exotic plant"—an empire or a monarchy—when every other American nation was a republic. There was also much talk to the effect that Brazil must cease to be an archaic country with an emperor; that it should instead become a vast Switzerland with a president elected by the people.

It happened that during the days of republican propaganda in Brazil an old relation of mine who was devoted to the Emperor —Felix Cavalcanti de Albuquerque Mello—was keeping a diary. That old relation of mine was not a man of extraordinarily brilliant mind but merely an individual with common sense—common sense which he applied to the criticism, in his private diary, of the public events of his day. When the republican form of government was established in Brazil and superficial political observers were overenthusiastic about such a magnificent victory for the cause of democracy in America, old man Felix wrote in his diary that he was not so sure Brazil would be a "new Switzerland" or an "American Switzerland." He asks in his best philosophic mood: "Who assures me that Brazil will be a big Switzerland [*uma Suissa grande*] and not another Venezuela?" Venezuela was then constantly in political trouble, as were most of the Latin-American Republics, whereas in mon-

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archical Brazil, although material progress was not so rapid as might be desired, there were peace and security, justice and even political and civil liberty, as in no other Latin-American country. Its élite of political leaders were probably the most cultured of the continent. The Emperor himself was a scholarly statesman, a highly public-minded man, and his reign has been described by some as a "dictatorship of honesty" and by others as "a crowned democracy."

Despite this there were some fanatical adherents of democratic orthodoxy and of republican formalism, both in Brazil and in other American countries, who considered the preservation of such an exotic type of government as the Brazilian monarchical system an insult to the political dignity of the continent. But the fact is that there was nothing essentially un-American in that system; it was based on the principle of equalization of opportunity—which is fundamental both to Americanism as a continental ideal, or as a continental characteristic, and to democracy in its most modern and most human expression. Under the monarchical regime any Brazilian, no matter what his origin, race, color, could become a Prime Minister and lead the country; Negroes or Mulattoes like Rebouças and Saldanha Marinho, though of humble birth, became prominent in political life. Rebouças was not only respected by Caucasian Brazilians for his personal virtues, his honesty and his intelligence; he became one of the closest friends of the Emperor himself. It was Rebouças who once said that the numerous Brazilian Mulattoes had special reasons for standing behind the monarchy since it gave them an "equality of political rights" (the other rights rested on a Portuguese tradition independent of political forms) that was not to be found in every republic of the continent.

I do not bring up this point here because, from the point of view of a social anthropologist, it is particularly interesting to me as a student of race relations in Brazil, but because it is connected with the problem of continental solidarity or identity in the political forms of democracy. The late Joaquim Nabuco,

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for some time ambassador to Washington and for years after the establishment of the republic in Brazil a loyal and sincere monarchist, was asked once (he had been in his youth a leading *abolicionist* and a champion of equality of civil rights for all Brazilians) if he thought it would be possible to harmonize the feeling for equality, so strong among "Americans of mixed race," with devotion to the monarchical form of government. Nabuco, who was not a Brazilian of mixed blood, so far as African blood is concerned, but very white and the descendant of an old and aristocratic family of Pernambuco, did not hesitate to analyze the connection between "a feeling of equality" (said to be characteristic of Americans) and the political form of government. He brought out the point that the monarchy in Brazil had been a regime granting equal political and social rights to all, differences in race or color being entirely, or almost entirely, disregarded in that "crowned democracy." But what about the United States of America? There, he aptly pointed out, even if the Negro was a Frederick Douglas he was subject to a series of humiliating restrictions.

The fact is that Brazil has developed into a social democracy in which there is practically no restriction laid on a man on account of his birth or his blood; and that such a development took place under a monarchical form of government whose tradition has not lost its essential value for thoughtful and sensible Brazilians. By this I do not mean that those Brazilians who are thoughtful and sensible are monarchists today or that they wish to have a throne reestablished in Rio de Janeiro, with a descendant of Dom Pedro II as king or emperor; but that they are skeptical about the mere form of government as something vital to social well-being and as a guarantee of individual liberty in their country.

The fact that Brazil after the so-called revolution of 1930 changed its republican constitution, up to that time an almost literal copy of the constitution of the United States, has little significance for the position Brazil has held on the American continents as a nation devoted, as no other of its neighbors with

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problems similar to its own, to the principle of equalization of opportunity to all its citizens—white, brown or black, rich or poor, descendants of old families or the sons of recent immigrants from Europe. It was perfectly natural for Brazilians to see, a few years ago, Nilo Peçanha, a Mulatto of very humble origin, follow Lauro Muller, the blue-eyed and purely Aryan son of a poor German colonist of Santa Catharina (Southern Brazil) as Secretary of State. Such an expression of genuine democracy would be even more natural at present—after the so-called revolution of 1930—when a fresher group of political idealists, aiming at a still larger democratization of Brazilian life, came to political power.

And what I have said of the first change in the Brazilian constitution after 1930 (that is, of the "1934 Constitution") might be said of the newest Brazilian constitution, that of 1937, which is a copy of the Polish and the Portuguese constitutions. Though the constitution of Brazil is no longer modelled on that of the United States this fact has little bearing on Brazil's position in continental America. Because the new constitution was inspired by those of Poland and Portugal some fanatical believer in complete Americanism might think it maliciously affected by European totalitarianism. And affected by it, it is; but not in such a way as to injure, deeply or permanently, the essential social democracy that is now a deep-seated Brazilian tradition. The present constitution of Brazil is flexible enough to adjust itself to national social conditions, especially in a period when this country has as its President one of the most sagacious political realists who ever lived—Getulio Dornellas Vargas—whose insight into and knowledge of Brazilian conditions and the character, the virtues and the weaknesses of his fellow countrymen is simply amazing. In many respects the present Brazilian constitution is an intelligent attempt to be genuinely Brazilian; an effort to harmonize a strong central government with a mechanism for attending to local or regional needs, so diverse in such a vast country as Brazil; an effort, also, to harmonize authority with liberty. But since it was written in a few days, and in

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an atmosphere of political pressure in which social conditions were only remotely taken thought of, its deficiencies are many and of the most serious nature. It should be carefully revised, criticized and rewritten, not by a single scholar under the influence of political or personal interests but by a group of well-established Brazilian authorities on political, legal, economic and social problems; not by a somewhat bookish though very clever jurist but by a committee of economists, anthropologists, sociologists and geographers who know Brazil well and who have done scientific field work in various regions. Then it might become the genuine Brazilian constitution it aims to be.

The present political regime in Brazil might be criticized from various points of view. I myself have serious objections of an ethical character to level against the way in which it was established, the theorists who gave an ideological expression to it and some of the politicians who are practicing it according to their narrow interests. I know that political changes should be considered, when triumphant, as natural processes rather than ethical events. I acknowledge also that the political changes which occurred in Brazil several years ago were, in many ways, natural so far as its constitution is concerned, and that the new regime is a move in the direction of adapting political form to national peculiarities. Nevertheless I insist on making objections of an ethical character to a regime that ethically does not seem to me to be perfectly legitimate. But ethically, I say; sociologically it is probably more legitimate than the 1930 one.

It would be inadequate to describe Brazil's new political form as undemocratic, in the sense of labelling it as particularly favorable to the practice of the mortal sins of disregard for the human personality, and for equal opportunities for all citizens, which we commonly associate with the modern totalitarian regimes. The fact that Congress has been abolished in Brazil is not to be taken as a serious violation of the democratic traditions of that country; for mere political representation vaguely based on political geography had lost its significance for thoughtful Brazilians. What Brazil needs is a new type of representation,

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regional as well as based on economic activity; and that new type of representation might be established under a political form like the present one. To go back to the first republican constitution—that of 1889, copied from the constitution of the United States—would be a mistake for Brazil. Those who ask for such a regression on the ground that it would bring Brazil into harmony with the democratic political forms of the Americas, especially with that of the United States, are ideologists of a most dangerous kind. They would place an ideal, universal or continental, of political uniformity above local, regional or national peculiarities in social conditions and in the political forms realistically adapted to them.

The nations of the American continents have much in common and their real similarities as well as their opportunities for a larger and more intense reciprocity, both economical and cultural, are so vital and numerous that there is no need to promote or stimulate such artificial similarities or standardizations as that of constitution and form of government. In healthy Pan-Americanism, as I conceive it, there should be room for even a constitutional monarchy or a constitutional proletarian republic, provided such a monarchy or proletarian republic did not attempt to impose its peculiar political system upon its neighbors.

Real Pan-Americanism should follow the technique of modern scientific town-planning. It should be a sort of continental planning; and its aim the combining of the general principles, traditions and aims common to all the nations of the Americas (including, of course, the general tendency toward an equalization of social and political opportunity for all men) with the particular conditions and needs of every nation or even of every region. Through combined continental action it ought of course to maintain and strengthen whatever is good for the Western Hemisphere as a whole, including its safety and its defense, against any attempt, direct or disguised, at the political recolonization of any American country or region by European or Asiatic imperialistic powers. More than that, it must not only preserve and respect the individuality of each nation but empha-

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size those characteristics which give it interest and charm. As to social and cultural relations with European countries, many American nations and regions still need European colonists, and the Western Hemisphere as a whole can hardly be said to be in a phase of needing no further cultural stimulus from Europe, particularly from Spain and Portugal. No sane Pan-Americanism will separate Spanish and Portuguese America from a process of ethnic and cultural post-colonization by Spain and Portugal. For this kind of colonization (I use cultural in the broad anthropological sense of the word; not in the narrow literary one) works to the benefit of the Americas as a whole.

A Pan-Americanism aimed at molding each of the American countries into a standard shape would lead to a melancholy monotony as well as a failure to stimulate and develop national creativeness and regional originality throughout the Americas. They would become the most uninteresting of all continents. Political form should be, to a considerable extent, a strictly private matter for each American nation to work out in the light of its own needs. Pressure should not be exerted to make even republicanism a standard political form. The likelihood of a regression to a constitutional monarchy in Brazil, Mexico or Haiti is so remote as to be negligible. Nevertheless the right so to regress should be maintained as an active political principle.

For the problems of each American country require separate treatment, including separate political treatment. Continental planning for America would take this into consideration. It would attempt to harmonize the differing national approaches to particular conditions with the adoption, by the various nations, of principles which have already proved their value over the entire hemisphere. Social and political democracy is probably one of those principles; but the measure of its success will rest largely on its diverse application to meet distinctive national traits and particular needs.

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SOME RECENT ADVANCES IN MEDICINE

HAROLD C. HABEIN M. D.

In the library of the clinic with which I am associated the magazine racks contain more than 400 current publications all dealing with various phases of the art and science of medicine and its related fields. These journals which appear at regular weekly, monthly, bimonthly or quarterly intervals, together with hundreds of books, contain the reports of progress made by scientists in all branches of clinical and experimental medicine throughout the world. I mention these facts merely to emphasize that because of this vast amount of literature it is no longer possible for an individual to grasp and assimilate more than a minute portion of the kaleidoscopic scene.

Sometimes one may wonder what bearing the report of a certain animal experiment could possibly have on the treatment of disease. But at those times one recalls that it was the reading of the results of an animal experiment reported by Dr. Moses Barron of the University of Minnesota that gave Dr. Frederick Banting at the University of Toronto the inspiration which finally led to the discovery of insulin. Today thousands of scientists are busily engaged in chemistry, biology, physiology, bacteriology laboratories and in clinics and hospitals working toward a common goal, the conquering of disease. That such a concerted effort is producing and will produce results there seems to be no doubt. At no previous time has there been such a distinct feeling of being "on the verge" of important discoveries. Startling reports appear frequently; some of these open up possibilities for momentous progress as epoch-making as the discovery of insulin for the treatment of diabetes and the use of liver in the treatment of pernicious anemia.

High blood pressure (hypertension) is a serious condition. The results of hypertension (associated with heart disease, kidney disease,

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arterio-sclerosis and so forth) cause the death of more men and women than any other disease. Although hypertension has been studied by thousands of workers for many years and volumes have been written on the subject, it does not seem that we have made great progress in the solution of the problem. Time after time some new discovery that relates either to the cause or to the treatment of high blood pressure has been announced, only to be discarded when it was found that it did not work.

Certain important facts are known about hypertension. One is that elevation of blood pressure is due to a generalized constriction of the blood vessels. Some workers believe that constriction is caused by chemical influences in the body and others favor the hypothesis that constriction is due to stimulation of sympathetic nerves. Herrell at The Mayo Clinic and others have reported marked temporary elevation of the blood pressure in certain individuals after smoking a few cigarettes. Recently there were presented before the American Association for the Advancement of Science the results of some studies in hypertension by Dr. Arthur Grollman of Johns Hopkins Medical School and Drs. Tinsley R. Harrison and John R. Williams, Jr., of Vanderbilt University Medical School. These scientists made an extract from healthy kidneys which seemed to have remarkable effects in reducing elevated blood pressure. It was tried on rats which had been made hypertensive and it brought the blood pressure to normal. In normal rats it produced no lowering of the blood pressure. The material is apparently not toxic for it was given in large doses. Startling results were obtained when this substance was given to 12 human beings who had hypertension and whose ages ranged from 36 to 60.

Dr. Irving H. Page of Indianapolis has also been studying the problem of hypertension. He found that renin, a substance contained in the kidney, has apparently an action similar to the material reported by Dr. Grollman. Renin, Dr. Page has found, reacts with a substance in the blood to produce a third substance called angiotonin. When renin and angiotonin are injected into the blood stream, an inhibitor which also has its origin in the kidney is liberated. These inhibitors seem to prevent or cure hypertension. Some observers of this problem venture to say that these extracts will be to high blood pressure what liver is to pernicious anemia. I am sure, however, that the scientists who are working on this problem would make no such prediction. All that can now be said is that a lead to a difficult problem has been given. Long study and observation will be necessary.

If, today, one were asked to name the most important advance in medicine during the past few

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years the answer could be none other than progress in chemotherapy (cure by chemicals). I hope it will be possible to make clear the significance of such a statement. For centuries the ubiquitous streptococcus, the staphylococcus, the meningococcus, the pneumococcus and the gonococcus have wrought havoc to countless millions of persons. These organisms often lying quietly and peacefully in some portion of the human body can, under proper developmental and environmental conditions, suddenly become virulent to a high degree, attacking with great destructive force practically any or all organs and tissues of the body. While antiserums had been developed for use in combating the pneumococcus and the meningococcus, the two most common organisms causing pneumonia and meningitis, meningococcus meningitis continued to be a highly fatal disease and the average death rate from pneumonia was about 25 per cent and in some types of pneumonia, notably Type III, frequently rose to 50 per cent. When the pneumococcus or the streptococcus was the causative organism of meningitis the disease was universally fatal. The highly virulent streptococcus and the less virulent staphylococcus were little influenced by antiserum. If these organisms gained entrance to the blood stream and caused septicemia (blood poisoning) a fatal termination usually resulted. The progress made in the past few years in the development of chemicals which successfully combat these organisms bids fair to furnish pages as brilliant as any which have graced medical history and are the most important developments in this branch of therapeutics since Ehrlich discovered "606" (arsphenamine) for the treatment of syphilis. The march against the destructive organism mentioned has just begun. Already hundreds of compounds have been synthesized in a deliberate and carefully planned search for more effective and less toxic drugs. That this search is proving successful there can be no doubt.

The history of the development of these drugs deserves some consideration. Not only is it a fascinating story related to brilliant research, of course, but also it is often related to chance. The story should offer encouragement to the unheralded plodding laboratory worker whose careful study, observation and records may some day prove to be the "missing link" in a momentous discovery. And finally, such a story may give courage to someone who has an incurable disease, for possibly tomorrow, next week or next month the answer to his trouble may be found.

The story of sulfanilamide must be abbreviated. In 1908 a student in the Vienna Institute of Technology named Gelmo described in his thesis a white powder now known as sulfanilamide. In the

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following year a chemist in the German dye trust of I. G. Farbenindustrie named H. Hörlein used this compound with other azosulfonamide dyes because their affinity for the protein cell of wool caused them to "stand up" under washing and milling. During the next few years the thread of the story is broken but it is clear that Hörlein, Domagk and other chemists in the dye industry experimented on the bacterial-killing powder of azo dyes both *in vitro* (outside the body) and *in vivo* (within the body). In May 1932 Dr. Foerster told a group of dermatologists who were meeting in Düsseldorf that sulfanmidochrysoidine (Streptozon) had cured a child of staphylococcus septicemia (blood poisoning). In the following year the German dye trust gave this drug the trade name of Prontosil.

In February 1935 there appeared in the *Deutsche Medizinische Wochenschrift* an important and now historic article by Dr. Domagk[1] entitled "*Ein Beitrag zur Chemotherapie der bakteriellen Infektionen.*" This article told of three years of experimentation with Prontosil; of the 100 per cent cure of mice infected with streptococci; how the drug did not kill streptococci in the test tube but only killed streptococci when fed to mice infected with this organism. Leavaditi, the great bacteriologist in France, tried without result to obtain some of the drug. Ignoring the German dye trusts' patents on the basis that medicinal drugs cannot be patented, he made some of the compound (Prontosil). If the German scientists knew why Prontosil was effective in the body and not in the test tube they did not reveal this information. It remained for a group of researchers at the Pasteur Institute in Paris to solve this riddle. These scientists discovered that in the tissues of the body the azo linkage of the dye was broken down and the first product obtained was sulfanilamide, the compound originally described by the Vienna student, Gelmo.

Experimental study of these compounds in the meantime had spread to the British Isles. In the summer of 1936 Drs. Colebrook and Kenny reported remarkable results in the treatment of childbed fever with Prontosil and a soluble derivative, Neoprontosil. This report was beyond doubt the beginning of the widespread clinical application of this drug in the treatment of disease.

In the United States the names of Drs. Perrin H. Long and Eleanor Bliss at Johns Hopkins Hospital, Dr. Ralph R. Mellon and his associates at the Western Pennsylvania Hospital in Pittsburgh and Dr. Sanford Rosenthal of the

[1] The 1939 Nobel Prize in Medicine and Physiology was awarded to Dr. Gerhard Domagk of the I. G. Farbenindustrie for his discovery of the life-saving chemical, Prontosil.

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United States Public Health Service were closely identified with the early experimental and chemical studies of these compounds. To them much credit is due for the rapid clinical application of sulfanilamide in the treatment not only of streptococcus infections but also of diseases caused by the pneumococcus, meningococcus and gonococcus. While experiments on laboratory animals and clinical applications of the known drugs were going on, literally thousands of compounds were being developed with the hope that something even more effective and less toxic would be found. While sulfanilamide had produced remarkable results in the treatment of pneumonia, the drug was not as effective as one would desire; nor was it as effective in cases of pneumonia as in the treatment of streptococcus infections.

One of the laboratories in which these studies were being carried on was the Dageham laboratories of May and Baker, Ltd., British manufacturing chemists. In these laboratories, among other sulfonamide compounds made by Ewins and Phillips was one named M & B 693. This compound was tested by Dr. Lionel Whitbey at Middlesex Hospital, London, for its effectiveness in 32 types of pneumonia in mice; when it was found successful the drug was tried on 200 pneumonia patients, 100 of whom received the usual routine treatment and 100 of whom were treated with the new drug (sulfapyridine). Of the first group (controls) 27 patients died, and of the second group all but eight patients lived. The drug was introduced into the United States and was given to physicians in selected clinics and hospitals for clinical trial. The results were highly gratifying. In March 1939 sulfapyridine was released for sale. Even this drug which, in many instances, has reduced the mortality of pneumonia from 25 per cent to 6 per cent had its drawbacks. It was found to be more toxic and therefore more dangerous than sulfanilamide and frequently produced nausea and vomiting so that it could not be retained in the stomach by the patient. Furthermore, the effectiveness of these drugs is largely dependent on obtaining the proper concentration of the drug in the blood and with sulfapyridine this concentration in the blood was often difficult to obtain. Sulfapyridine is a very insoluble compound and therefore was not suitable for subcutaneous injection as in the case of sulfanilamide. Further work resulted in the development of sodium sulfapyridine which could be administered intravenously, thus overcoming some of the difficulty of administration; nausea and vomiting was, however, commonly encountered.

But chemical research went on and more recently two new compounds, sulfathiazol and sulfamethylthiazol have been devel-

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oped. As with sulfapyridine these compounds are in the experimental stage. Certain investigators have been supplied with the drugs for clinical trial. Recently, from Dr. Grayson Carroll and his associates of St. Louis comes the report that sulfamethylthiazol has apparently proved as effective against staphylococcic infections as sulfanilamide against streptococcic infections. At The Mayo Clinic reports by Herrell and Brown indicate encouraging results in the treatment of the blood-stream infections by Staphylococcus aureus as well as in the treatment of pneumonia caused by the pneumococcus. In addition to the striking efficacy of the drug it is apparently less toxic and patients are able to take it by mouth without experiencing the symptoms of nausea and vomiting.

More recently Drs. Bauer and Rosenthal at the National Institute of Health in Washington have prepared new compounds which contain phosphorus instead of sulfur. One of these compounds checked streptococcus infection in mice and proved of low toxicity.

The end of the story is by no means in sight; the possibilities are immeasurable. Although the drugs mentioned are lifesaving in many instances, they are also poisonous to some few individuals. They must therefore be administered by physicians trained in the early recognition of toxic symptoms. The goal is "to obtain compounds more effective in combating infection and less toxic to the patient." It would seem that there is little doubt that this goal can eventually be reached.

During the past year the combination of two important drugs has been used by Drs. Kelson and White of Boston in the treatment of a heretofore uniformly fatal disease. These physicians have combined sulfapyridine and heparin in the treatment of subacute bacterial endocarditis. Heparin, an anticoagulant of the blood obtained from beef lung, has been the subject of much experimentation during the past ten years in Canada and in the United States. It seems to be highly effective in the prevention of clot formation in the veins following operation and thus in reducing the incidence of death from pulmonary embolism. Bacterial endocarditis, as its name implies, is a bacterial infection of the lining, and more particularly of the valves, of the heart. Fibrin, a clot-forming component of the blood, is deposited on the valves of the heart. The fibrin in turn enmeshes the streptococci which are the bacteria that cause the infection. It was thought that if heparin would prevent the deposit of fibrin on the heart valves, sulfapyridine might check or prevent the growth of the organism. Drs. Kelson and White reported encouraging results from treatment of seven patients. Three of the seven patients recovered; two of the three had remained well

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up to November 4, 1939, when the report was made in the *Journal* of the American Medical Association. Three of the patients died of diseases other than subacute bacterial endocarditis six months after the treatment was started but necropsy revealed that the lesions due to the bacterial endocarditis had healed. The authors point out that the treatment is still in the experimental stage, but inasmuch as the disease heretofore has always been fatal any treatment which would save some lives is a very important advance.

While sulfanilamide and sulfapyridine were attracting the interest of every physician, there appeared unheralded in the July issue of the *Journal of Experimental Medicine* an article by René J. Dubos of the Rockefeller Institute entitled "Studies on a bactericidal agent extracted from a soil bacillus." This report contained a startling piece of information which bids fair to have far-reaching importance. For years Dr. Dubos has experimented with the thought in mind that there exist in nature micro-organisms capable of attacking other bacterial cells. Actually he was able to isolate from the soil a spore-bearing bacillus which attacks and lyzes (dissolves) the living cells of several species of gram-positive micro-organisms. Cultures of this soil bacillus grown in peptone media released an agent which exerts a bactericidal effect on all the gram-positive micro-organisms which Dr. Dubos had tested up to the time his first paper was written. (Bacteriologists use the term gram-negative and gram-positive to distinguish certain bacteria by their staining reaction.) Although the gram-positive organisms undergo lysis, it appears that this is not the primary cause of destruction of the organism but follows injury to the micro-organism caused by the active agent. Subsequent studies revealed that minute amounts of the bactericidal agent extracted from the soil bacillus protect mice against infection with large numbers of virulent pneumococci, and that it also exerts a curative effect when administered to mice several hours after injection of the infective organism. Thus the bactericidal agent is effective in the test tube and in the body of mice but does not require the host to complement its action as in the case of sulfanilamide.

Dr. Dubos has more recently developed a protein-free extract of his bactericidal agent which is from a practical standpoint of great importance. Thus we have had discovered for us an agent in nature on which our very existence on this earth depends. Until now the experiments have been carried out only on animals. It is not unlikely that a similar agent will be discovered which attacks gram-negative organisms. The therapeutic possibilities of this discovery are without limit.

The danger of hemorrhage dur-

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ing the following operation is greatly increased if the patient is jaundiced. Preoperative preparation of the jaundiced patient by the use of blood transfusions and the intravenous infusion of solutions of glucose have been of some help in preventing hemorrhage. But the sudden, severe and often fatal hemorrhage that follows operations on persons who have jaundice has continued to be one of the surgeons' serious problems. For years, extensive research has been carried on in this field. In 1935 the final solution of this problem was begun. In that year Henrik Dam of Copenhagen made the important observation that newly-hatched chicks, if maintained on a diet deficient in certain fat-soluble materials but otherwise adequate in respect to protein, minerals and all known vitamins, soon suffer from fatal hemorrhage. It was found that this hemorrhagic tendency is associated with a fall in the concentration of prothrombin in the blood. (Prothrombin is one of the components of the blood necessary for clotting.) The bleeding tendency, it was found, could be controlled by feeding, among other things, alfalfa. At first it was not known exactly what this protective factor was, but the general name "Koagulations Vitamin" or vitamin K was given it by Dr. Dam. It was noted that this factor was found widely in plant life and almost entirely in the photosynthetic portion of the plant. It was also found in soy bean oil and some vegetable oils.

The early clinical studies on vitamin K were carried on simultaneously but independently by Warner and his associates at the University of Iowa and by Snell, Butt and Osterberg at The Mayo Clinic. Dr. Armand Quick was apparently the first to call attention to the deficiency of prothrombin in the blood of jaundiced patients and he developed a highly satisfactory method for determining the concentration of prothrombin in the blood. The vitamin K which was at first used in the treatment of jaundiced patients was obtained largely from alfalfa and putrefied fish meal, not a particularly tempting morsel for a sick person.

The results of administration of vitamin K and bile salts in the preoperative preparation of jaundiced patients and treatment of these patients postoperatively if there was a tendency toward hemorrhage were at once very important and striking. Hemorrhage for the most part could be prevented or controlled and, as a result, the mortality rate associated with operations on jaundiced patients was at once reduced. Other lives were saved, for because of this treatment operations could be performed earlier than otherwise had been possible, thus preventing the serious damage to the liver which might occur if operation were delayed too long. It was to be expected that chemists would soon

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solve the riddle of vitamin K and determine its chemical structure and later make this compound synthetically. This has recently been accomplished by Dorsey and his associates in St. Louis and Fieser and his associates at Yale.

Chemists soon discovered that many derivatives of naphthoquinone possessed antihemorrhagic (vitamin K) activity. The most active of these compounds so far isolated is 2-methyl-1,4-naphthoquinone. Butt and Snell at The Mayo Clinic have found that this compound, when administered in doses as small as 1 milligram by mouth together with animal bile salts, or when administered intravenously in an isotonic solution, is effective in controlling hemorrhage in patients who have jaundice. It has also been found that patients with certain intestinal disorders such as sprue, chronic ulcerative colitis, celiac disease and intestinal obstruction exhibit a deficiency of prothrombin in the blood resulting from improper absorption of vitamin K. The hemorrhagic tendency which is frequently seen in these patients may be controlled by the administration of vitamin K. Waddell and his associates at the University of Virginia have found that the administration of vitamin K is of great value in preventing hemorrhage in newborn babies. Vitamin K has been found to be ineffective in the treatment of hemophilia, abnormal menstrual bleeding and toxic purpura.

Dr. Taylor and his associates in Boston, during the past few years, have made an extensive and brilliant study of the factors responsible for the abnormal bleeding which sometimes occurs in patients who have the hereditary disease called hemophilia ("bleeder"). They have found that in the normal blood of man there is present a globulin-like substance which, when administered to a patient who has hemophilia, causes a lowering in the increased coagulation time present in these patients. This material can be injected intravenously; in small doses it is capable of keeping the coagulation time of the hemophilic blood within normal limits for a period of six to twelve hours, after which the dose can be repeated. The exact identity of this substance has not been determined, but it is hoped that further study will give the medical profession a material which will prevent and control bleeding in this enigmatic disease.

Cancer research during the years has not brought forth any proved new or startling discoveries. Whether or not cancer is increasing in frequency is hard to say. It is nevertheless one of the major disease problems of our day. Modern methods in diagnosis have certainly made it possible to discover the disease earlier and more frequently than formerly. While it appears that more people are now dying of cancer, the factor of increasingly-accurate diagnosis

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must be taken into consideration, as well as the fact that as longevity increases more people will die of cancer for it is a disease of later life. It is known that cancer usually starts as a localized process and that any type of cell may become malignant under the influence of certain agents. It has been known that, for some time, workers in the tar industry are particularly susceptible to cancer of the skin and bladder. Cancer of the skin can be produced in experimental animals by repeatedly painting the skin with tar. We also know that certain sex hormones, the compounds elaborated in the body which have to do with sexual functions, have carcinogenic properties. That is, they possess the property of causing cancer when injected into certain susceptible experimental animals.

When certain derivatives of tar, the sex hormone, vitamin D (rickets-preventing vitamin) and a bile salt are analyzed, an astonishing result is obtained. It is found that these substances are closely related chemically to one another; they have a similar central structural arrangement and are recognized as common to a group of sterols, for years thought to be comparatively inert constituents of the body. Recently Dr. Angel Roffo of Buenos Aires reported that he had found that tobacco and coffee contain tar which causes cancer. Some of the tars extracted from tobacco were painted on the skin of rabbits and cancer resulted in all instances. Dr. Roffo estimated that the average smoker in ten years applies 8 quarts of tobacco tar to the tissues lining the breathing apparatus. One cannot help but wonder whether this discovery is in any way related to the definite increase in the incidence of cancer of the bronchi and lungs. Dr. Roffo is comparatively reassuring about coffee, however. The tar extracted from coffee is not soluble in water so cannot get at the tissues to damage them.

Certain strains of mice are very susceptible to cancer; thus, the report of Dr. W. R. Franks of Toronto is of considerable interest. He has made mice resistant to cancer by giving them a complex substance known as chemantigen. In London Dr. William Cramer has immunized mice against cancer of the skin and Dr. Thomas Lumsden has discovered in the blood of many animals afflicted with cancer a poisonous substance which, under certain conditions, kills cancer cells. This experimental work is of course limited to animals and it will be a long time, if ever, before the treatment could be applied to human beings. Statistical investigation has shown that some women inherit a susceptibility to cancer. Cancer of the breast has been known to occur simultaneously in identical twins. Some scientists have suspected that cancer of the breast in women is due to the presence of too many female

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sex hormones in their bodies. As I have already indicated, the injection of female sex hormone will produce cancer of the breast in mice. Both the pituitary gland and the adrenal gland influence the sex hormones. Therefore Dr. Cramer of London has offered the suggestion that if disorders of these glands can be detected and treated, women susceptible to cancer of the breast may be protected. In this connection, Herrell's observations made at The Mayo Clinic are interesting. His studies would tend to show that there seems to be less likelihood of cancer of the breast developing in women who have previously had both ovaries removed surgically.

A discovery which may be of considerable importance was recently announced by Drs. Fritz Kogl and Hanni Erxleben. These scientists found that one of the protein-building blocks (amino-acid) of cancer cells is slightly but importantly different from those found in normal cells. The amino-acids occur naturally in a left-handed form (so called because when a beam of polarized light is passed through them it is turned to the left). It was discovered that one of the building blocks of cancer cells, glutamic acid, occurs both in the natural left-handed and in the unnatural right-handed form. This observation has been confirmed by other research workers. It is too early to predict the significance of this finding but if all types of cancer tissue contain this variation in structure, then, as stated in a recent editorial in the *Journal* of the American Medical Association, "a new and fertile field for study into the nature of cancer will be opened."

I have mentioned only a few of the newer discoveries in this field; as to their significance one can only speculate. Because such a tremendous amount is known in the form of isolated facts, it seems that the time has come when these facts should be correlated, a herculean task in itself. Possibly the answer to the cancer problem is known and it only remains for someone to put the jig-saw puzzle together.

During the past few years thousands of articles have been published regarding the endocrine glands. Many of these articles have reported definite advance in knowledge; others have been overenthusiastic reports of inconclusive results. Certainly the results in experimental laboratories are far more conclusive than they are when transposed to clinical application. People may have been led to believe that the day is here when physicians can treat all disorders of the endocrine glands. That day will not be seen, if it is seen at all, for many years. What are some of these glands and what new information do we have about them?

Let us consider the thyroid gland first. No important changes in the treatment of its disorders

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have occurred. Thyroid extract continues to be a highly-satisfactory form of replacement therapy in cases of thyroid deficiency and is one of the few hormones which is effective when administered by mouth. There is not likely to be any important advance in the treatment of hyperthyroidism or exophthalmic goiter until we learn the causes of these conditions. Studies of the relationship between the pituitary gland and the thyroid gland may throw some light on this subject. It is possible to reproduce some of the manifestations of exophthalmic goiter in animals by injecting the thyrotropic (thyroid-stimulating) hormone of the pituitary gland.

The physicians of the Massachusetts General Hospital have added greatly to our knowledge of the small parathyroid glands and their relationship to calcium metabolism and the structure of bones. These investigators have found many instances in which, due to the presence of a tumor, overfunction of the parathyroid glands occurs. Under these circumstances calcium is rapidly withdrawn from the bones with consequent compression of the vertebrae and spontaneous fractures and development of other symptoms, including the formation of kidney stones due to large amount of calcium in circulating blood. The early recognition of this condition and surgical removal of offending gland or glands result in a cure.

The syndrome of underfunction of the parathyroid glands, characterized by tetany due to a low blood calcium, continues to respond well to the oral administration of calcium and vitamin D. Dihydrotachysterol (A.T. 10) discovered by Holtz is the most potent source of vitamin D known today.

Insulin, the hormone of the pancreas, still must be administered hypodermically. Hagedorn and Jensen of Copenhagen combined insulin with protamine, prepared from the sperm of American trout, and proved that its delayed absorption time gives the insulin a longer effect. This has permitted many diabetic patients to eliminate all but one injection of insulin each day.

One of the hormones of the adrenal cortex, desoxycorticosterone acetate, has been synthesized by Reichstein of Zürich. The adrenal cortex is essential to life and its destruction produces Addison's disease which, until recent years, was always fatal. Thorn of Johns Hopkins has had the most extensive experience with the use of this newest hormone in the treatment of Addison's disease and he has reported instances of great improvement. It should be emphasized that this hormone does not constitute the complete answer to the problem of Addison's disease; it is, however, a notable advance.

Anything written about the hormones of the sex glands is "out of

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date" before it is published, so rapid is the advance in this field of investigation. There are at least two hormones produced by the ovary. The first is the hormone of the follicle cells which is so useful in the treatment of symptoms of the menopause and in the treatment of gonorrheal vaginitis in young girls. The second is the hormone of the corpus luteum cells, useful in the treatment of certain types of uterine bleeding and repeated abortion. The rationale of this treatment is as yet not completely understood, but clinical results in many instances have been highly satisfactory. As these substances have carcinogenic properties in certain experimental animals, the question has been raised as to the danger of development of cancer in persons to whom the hormones are given. Experienced physicians feel that there is little or no danger of this happening. No authentic cases have been reported in which cancer has developed as the result of administering sex hormones.

The hormone of the testis, testosterone propionate, was independently isolated in the year 1939 by Butenandt of Berlin and Ruzicka of Zürich, the latter receiving the Nobel award for this achievement. Unfortunately this valuable hormone is being injected into many men, and into some women, for such a wide variety of conditions that it will be years before we can evaluate its proper use. At present we know only that it is of value in treatment in some cases of sexual underdevelopment and in castrated males. Treatment of the enlarged prostate gland with this hormone has not been successful.

Since Evans and Long, in 1921, announced the existence of a growth hormone in the anterior lobe of the pituitary gland many discoveries have been made in laboratories throughout the world. We do not yet know how many hormones are secreted by this important gland but we do know that it has a great effect on the growth and proper development of the body, on each of the other endocrine glands and, with and through them, on specific functions of the body such as the sexual cycle and the rate of metabolism, and on the absorption, utilization and elimination of all ingested material, including food, salt and water. Unfortunately the use of hormones prepared from the anterior pituitary gland has not produced striking results when injected into patients. "Pituitary-like" substances obtained from the urine of pregnant women and from the blood and urine of pregnant mares have produced encouraging results in selected cases, such as the delayed descent of the testes.

It is obvious that it has been possible to mention only a few of the important recent advances in medicine. I have tried to select those that seem to me most significant.

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Discussion

A READER CHALLENGES *THE SCHOLAR*

To the Editor:

As a member of Phi Beta Kappa I have naturally been interested in the progress of Phi Beta Kappa's fund drive. I have been interested most especially in the implied force behind the drive —the need for maintaining the spirit of intellectual freedom and free inquiry in the United States. I can think of no more important cause for any one's contributions.

The question is: How far is Phi Beta Kappa, through its local chapters and through its national publication, THE AMERICAN SCHOLAR, meeting this need and how does it propose to meet it in the future? A discussion of the place of the chapters is a little beyond the scope of a single letter. But may we consider for a moment the case of THE AMERICAN SCHOLAR?

Looking over past copies (Winter, 1939-1940; Autumn, 1939; Spring 1939; Spring 1938) I see one or two articles in each issue which discuss the subject "intellectual freedom" but very few articles which actually discuss *questions* of intellectual freedom; that is, most of them are vague and general instead of sharp and specific. They thereby violate their own first premise which seems to be that everybody agrees on the value of intellectual freedom and more people should do something specific about it. John Herman Randall, Jr. makes this point twice, once in the 1939-1940 issue and once in the issue of Spring 1938. "Factions and Unity in the C.I.O." by Paul Porter (Spring 1939) seems a step in the right direction. It is a scholarly yet readable presentation of facts about a subject which sorely needs both the factual approach and scholarly objectivity. "The Challenge of Our Times" by Harold J. Laski (Autumn 1939) is an excellent example of the philosophical approach with practical implications.

But what else in these recent issues actively contributes to the reader's clarity of thinking or provides fresh facts upon which to base his judgment?

If a publication for members of Phi Beta Kappa and their friends is to accomplish its true ends it seems to me that it should specialize in saying those things which cannot be adequately said in commercial magazines (because of commercial pressure and managerial prejudice). It should specialize not only in philosophical generalities but in scholarly reporting—facts, *all* the facts, not for sensation's sake but for the truth's sake. And finally, it should specialize in clarity and simplicity of statement. It is quite true that many excellent thinkers are stuffy in style. If that means that THE AMERICAN SCHOLAR must have more editing or staff-written material, so be it. But no magazine which hopes to maintain intellectual freedom can do so adequately if it goes into battle smothered with verbiage.

Phi Beta Kappa has always stood for the liberal education in the best and fullest sense of that much abused phrase. The true liberal and the truly educated man is not afraid to look at all sides of any question. Certainly it would be too bad if the day ever came when it could be said that the Phi Beta Kappa Society was afraid.

A magazine such as I have described should be worth a good deal more of my hard cash support than Phi Beta Kappa has been receiving from me recently. I think it would be worth more to other readers too. Can we make this a free-for-all discussion?

Sincere good wishes.

Very truly yours,

ANNE N. TIMMERMAN

New York, N. Y.

ON INTELLECTUAL FREEDOM

To the Editor:

With 40 per cent of the population today favoring suppression of the extreme political left and right (according to a poll by *Fortune*), the editors of THE AMERICAN SCHOLAR are to be congratulated upon their perspicuity in selecting the

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subject of intellectual freedom and related topics for discussion in their final issues of 1939. The value of much of the material is, however, debatable. There is a strong inclination on the part of the authors to march us out to battle.

James Rowland Angell, for example, ends his call to arms with a warning that "the weakling has no place in this fight." But there is quite a little confusion as to whom we are to attack, or defend ourselves from, and one or two of the writers cover a great deal of paper without bothering to consider the point at all. Mr. Angell ("The Future of Intellectual Freedom," Autumn) makes some excellent remarks concerning the subtle destruction of freedom as compared with suppression by edict, but the nearest he gets to home affairs is the indirect suggestion that President Roosevelt threatened our liberty by inferring that his critics were not altogether without ulterior motives. He feels that we have a sufficiency of intellectual freedom, and doubts, or at least did at the time, that it is in danger.

John Herman Randall, Jr. ("The Paradox of Intellectual Freedom," Winter) is less of the opinion that we have reached the millennium, recognizing that true freedom is incompatible with social insecurity. "We do not yet possess the political intelligence to persuade men to use the intelligence we do possess," he says, getting near the core of the problem. But earlier in the article he handles rather flippantly those who would seem to be trying to carry his advice into practice.

Max Ascoli ("Freedom of Speech," Winter) seems to take several positions. At first one gets the impression that he is out to suppress freedom of speech when it is used, as he says, "for confusing issues and stirring up passions, as an instrument of hatred. . . ." Such a doctrine would be, of course, extremely dangerous. What issues should not be disturbed, whose passions allowed to remain quiet? And is there nothing or no one in the world deserving of hatred? If Mr. Ascoli is to advocate this doctrine he should be more specific, for it leads to misunderstanding. For example, Dorothy Thompson used his article to bulwark a very violent attack upon persons she wishes to silence. Toward the end of Mr. Ascoli's article it appears, however, that he intends to center his fire upon the liberals who are more interested in getting the ideas of their enemies before the public than in formulating and expressing their own. Here he is on relatively solid ground. It cannot be denied that liberals are notoriously cautious in battle (the Communists used to sing a song which went something like this: "One step forward and two steps back, that is the liberal mode of attack.") True, let the liberals (the term progressive as used in the West might better serve, since Mr. Ascoli never defines his term) beware of their totalitarian enemies on the right and left, but also let them remember that once they attempt to move forward they shall certainly be accused of stirring up passions. Undoubtedly Mr. Ascoli has heard it charged that the New Deal "sets class against class." I confess, however, a total inability to discover what Mr. Ascoli is actually for or against. One can get out of his article almost what one chooses, as Miss Thompson demonstrated. Incidentally, his declaration that "politicians are like hounds, always ready to pounce upon jobs" is an example of the irresponsible illiberalism in speech which he denounces. Liberals are perhaps hesitant to participate in government lest they be called hounds.

On the other hand, Harold J. Laski ("The Challenge of Our Times," Autumn) shows a willingness to come to grips with fundamentals. While concerned in this article less directly than the others with freedom of speech and intellect, he does point out that downward extension of democracy—that is, added political and economic privileges to poorer groups—is always resisted by a middle class anxious to protect its own privileges. "Our ideas," he says, "are largely the outcome of our interests." Any adequate survey of intellectual freedom and its prospects in the United States would, therefore, entail a study of the political and economic interests of the various social groups, as well as an analysis of actual violations of freedom. This none of the American writers (except for a few general remarks by Mr. Randall) has attempted.

It is safe to say that our freedom will not be preserved, or extended, by rhetoric alone.

DALE KRAMER
New York, N. Y.

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About Our Authors

Quotation marks usually indicate passages taken directly from autobiographical letters requested from the authors themselves.

When IRWIN EDMAN was elected last December to the Editorial Board of THE AMERICAN SCHOLAR a man of three personalities was added to the group that guides the policies of the magazine. The personalities are distinct but not discrete. One of them is professor of philosophy at Columbia University and writes books and articles and edits texts for the scholar in his own field; another writes those books that act as bridge between the philosopher in his most solid and technical moods and the intelligent layman; the third goes on holidays that both layman and philosopher may enjoy with him.

ARTHUR FEILER, another scholar without honor in his own country, Germany, has been a member of the Graduate Faculty of Political and Social Science of the New School for Social Research since 1933. For many years prior to Nazidom he was the leading economic editor of the *Frankfurter Zeitung*, professor of economics at the University of Frankfurt and the Handelshochschule in Königsberg and member of several public bodies such as the National Economic Council and the Cartel Court (as representative of the public). . . . Fortunately his exile has meant a transfer of his work instead of frustration. While he was still a citizen of Germany he had visited this country, and two of his books had been brought out in American editions as *America Seen through German Eyes* and *The Russian Experiment*. . . . He is getting his roots down in American life, not only by becoming a citizen but by visiting its differing regions—last fall a sabbatical half-year was spent in traveling in the deep South, studying in the Library of Congress and watching American economic policy in the making in Washington. He has done more, however, than watch: throughout the past few years he has contributed articles on economics and government to periodicals like the *American Economic Review*, *Survey Graphic* and *Social Research*; collaborated with Max Ascoli on the volume *Fascism for Whom?*; contributed to the two books published by the Graduate Faculty, *Political and Economic Democracy* and *War in our Time*; and last summer participated in the 15th Institute of the Norman Wait Harris Memorial Foundation at the University of Chicago.

JACQUES BARZUN is probably familiar to many as the author of book reviews for the *Herald Tribune*, the *Saturday Review of Literature* and the *Nation*, and to others as the assistant professor of history (Columbia University) who has written *The French Race—Theories of Its Origins*, *Race: A Study in Modern Superstition* and the more recent *Of Human Freedom*. Still others will associate him with his lectureships at Bennington, Sarah Lawrence and Briarcliffe. . . . "I was born at Creteil, France, in the literary colony known as the Abbaye de Creteil, associated in modern French literature with the names of Duhamel, Jules Romains and H. Martin-Barzun [the author's father]. In 1920 I came to this country to join my father who had been sent here on a government mission in 1918." Since that time Columbia University, as the place where he received his B.A., M.A. and Ph.D. degrees and where he has taught since 1928, has been most steadily his home.

EDWARD S. CORWIN, whom Wilson called to Princeton University in 1905 as one of that extraordinarily able group of preceptors which has since become so distinguished in the field of scholarship, has for years been an extraordinarily able student of history, economics and politics and especially of the Constitution and the Supreme Court. His various books, including *John Marshall and the Constitution*, *The Twilight of the Supreme Court* and *The Constitution and What It Means Today* (a book now in its sixth edition) stand as corroboration. This special knowledge was called on in 1935 when he served as adviser to the Public Works Administration on constitutional questions and in 1936 when he served as special assistant to the Attorney General of the United States. . . . In 1911 he was made professor of politics at Princeton and in 1918 he became the incumbent of the McCormick professorship of jurisprudence. But though throughout the years Princeton has been his permanent address, the University has been generous about lending him to other institutions—among them to Yenching University, as visiting professor of political science; to the Cornell School of Law, as Irvine Lecturer; to the Yale School of Law, as Storrs Lecturer.

By the age of fourteen HAROLD CHAPMAN BROWN had read most of the standard works of English and American literature—not an unmitigated blessing, for he cannot remember an assignment in any of his literary courses in school or college which he had not previously read. At fourteen he discovered Sir William Hamilton and philos-

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ophy and by the end of the next year he had read Herbert Spencer's *Synthetic Philosophy*. Though his definition of philosophy has become increasingly flexible, his absorption in it has been undeviating, partly because his prevailing interest "has always been why things are as they are and why people act as they do. For a while I had a keen interest in so-called 'pure' mathematics, largely because of its imaginative quality; but this shifted about the time I left college to what sort of a physical world we have to get along with (what I call the philosophy of nature) and then to what sort of capacities we have to do this with (the philosophy of biology and psychology) and, most recently, to what is desirable amongst the reasonable possibilities for such humans as we are biologically and psychologically in the kind of physical world in which we have occurred and persisted. This for me is social philosophy. My main ambition at present is to help men face social facts squarely, react toward them reasonably and utilize the best scientific knowledge in ordering their lives." . . . This ambition he has an excellent opportunity to realize as professor of philosophy at Stanford University.

Within the past few weeks HUMBERT WOLFE, the man whom the British Government knew as able principal assistant secretary to the British Minister of Labour and whom the English-speaking world knew as poet, has died. On the library shelves of those who love poetry stand several of his slender volumes—*Uncelestial City, London Sonnets, News of the Devil.* The lines

> And yet—man being frail
> does on himself prevail,
> and with a single thought
> can bring the world to naught,
> as being brief he still
> bends to his fleeting will
> all time, and makes of it
> the shadow of his wit.

are as truly his as his many other passages written in irony. He was an uncommon man.

GERHART SAENGER has just begun work on a larger study of refugee adjustment in this country which will be brought out in book form next fall. Too many refugees have been exiled from opportunities to use their professional abilities. But Saenger's examination of the problems confronting the German émigré in adjusting to his new life is a direct continuation of one of his two major fields of study at Berlin University—psychology and philosophy—and of his later work

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in France and Switzerland, where he added sociology to his initial subjects. . . . While he was a student abroad he held several fellowships, among them one from the International Student Service, whose American branch arranged for his emigration to the United States. His work in this country, carried on at Columbia University, has been in the field of social psychology.

STEPHEN C. PEPPER writes: "I am aware of the need in times and places of extreme specialization with intensity of interest and narrowness of outlook; but I regard this as a necessary evil and, when the necessity vanishes, all that is left is evil. I think my countrymen today tend to overspecialize in production, in finance and in science. The pace is too fast and values are distorted and thrown out of balance." This belief may account for his catholicity of taste in artists. . . . He began his academic life at the University of California in 1919 and has been chairman of the art department for almost two years—long enough, if he were so minded, to repent his present article, sent to THE AMERICAN SCHOLAR soon after his "The Arts Without Artists" was published (in the Autumn number for 1938). But he does not. He says instead "the only thing that troubles me is how to get more time for my own creative work in philosophy, for I was this year appointed assistant dean of the College of Letters and Science, in charge of matters dealing with philosophy and the arts."

STEUART HENDERSON BRITT, by training and practice a lawyer as well as a psychologist, is a member of the New York and the Missouri Bar as well as an assistant professor of psychology at George Washington University. His initial work in psychology, taken at Washington University, was followed by study at Yale, where he was a Fellow in the Institute of Human Relations. . . . "As a legal psychologist I spent a year on the staff of Columbia University Teachers College as Scientific Assistant in the Institute of Educational Research. I have purposely trained myself both in law and psychology in order to be in a position to investigate the materials of law and of legal scholarship from the standpoint of psychology." . . . As a matter of fact his dual interests have led him to concentrate in the field of social psychology and to develop advanced courses in "legal psychology" ("designed for pre-legal students in an attempt to integrate legal and psychological materials") and in "public opinion" ("the psychology of propaganda and censorship, especially as related to problems of government

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and pressure groups"). . . . THE AMERICAN SCHOLAR is now joining the varied company of periodicals which have published his material—journals of psychology and law plus *Public Opinion Quarterly* and the *New Republic.*

CHARLES A. MADISON is already known to the readers of this journal as a person competent in the field of Jewish studies ("Yiddish Goes to Press," Winter 1938-39; "Perish the Jew," Summer 1939). This has given a restricted view of a person whose interests are cosmopolitan and whose intellectual curiosity is familiar to the men and women who have known him as college editor of Henry Holt and Company. . . . The present essay is the first of a series of papers on Americans of the past century which the author hopes some day to bring together in a book called *Rebels and Reformers.* "I have very little free time, but I am using the little I have to do a lot of reading now for the general background."

GILBERTO FREYRE, formerly professor of sociology at the University of Rio de Janeiro, has lectured in various places in this country, notably for a month at Columbia University. In the words of a professor at that university: "He is generally regarded as the leader among Brazilian intellectuals, knows an immense amount about the cultural ethnology of the different Indian tribes and has also written several Middletowns about the different agricultural systems in various parts of his country. . . . His own position is that of an objective social scientist; he is committed to no party, although he is among the opposition to the present regime; and he writes with no desire to influence American opinion for partisan ends."

H. C. HABEIN has for fifteen years been consulting physician at the Mayo Clinic and associate professor of medicine, the University of Minnesota, the Mayo Foundation. He is a member of such official bodies as the Minnesota State Medical Association and the American Medical Association and a fellow of the American College of Physicians.

The Winter 1939-40 issue stated: "G. A. BORGESE, vigorous citizen of Italy, has lived in the United States since 1931." These words of course conveyed an erroneous impression if the readers interpreted them to mean that Borgese is still an Italian citizen, for he terminated that status abruptly in 1931 when, while he was in this country, the fascist oath was imposed on all university professors. Borgese is now a citizen of the United States.

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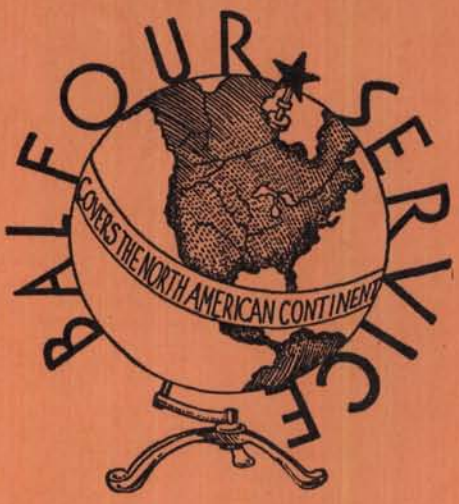

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